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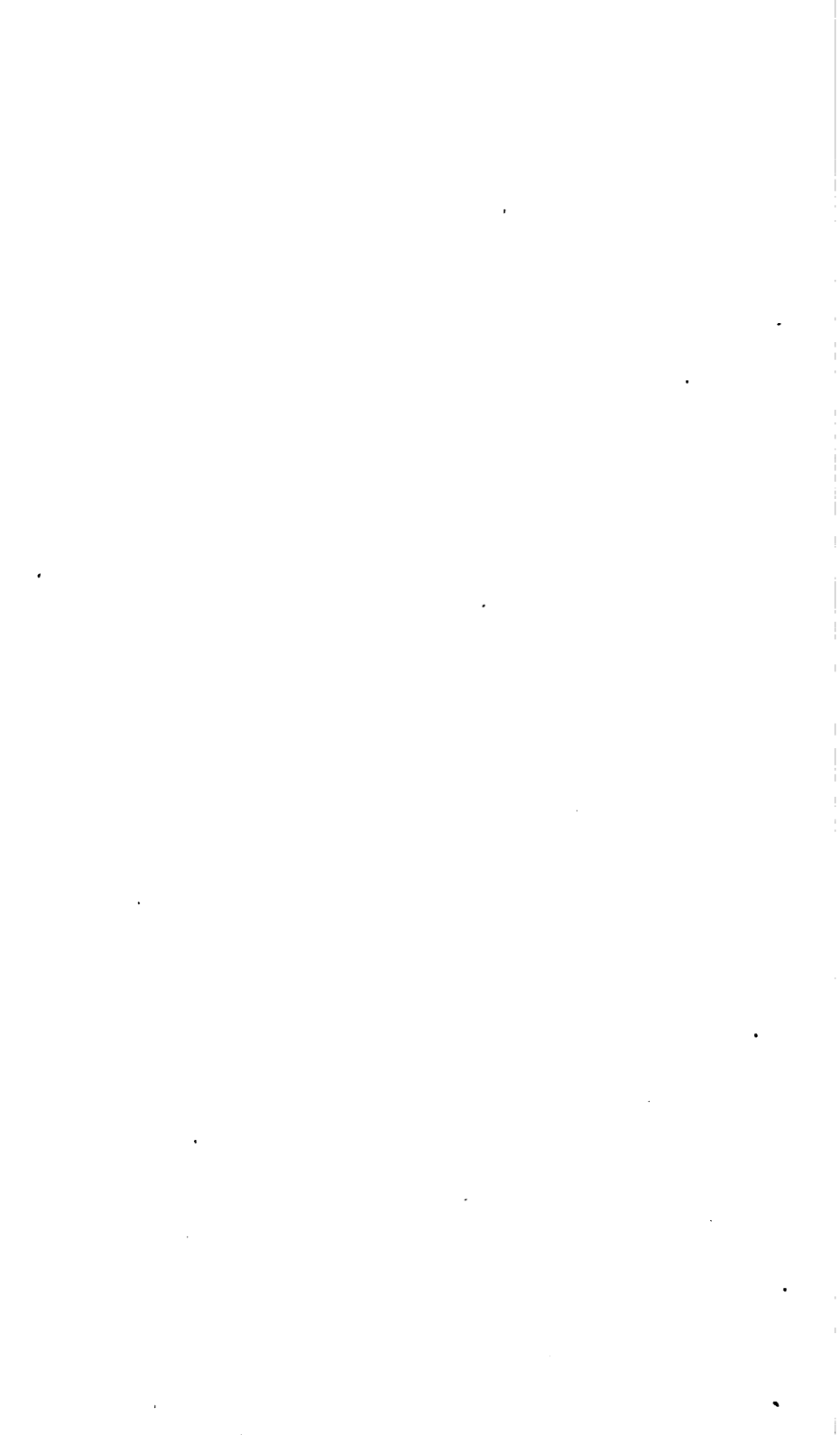
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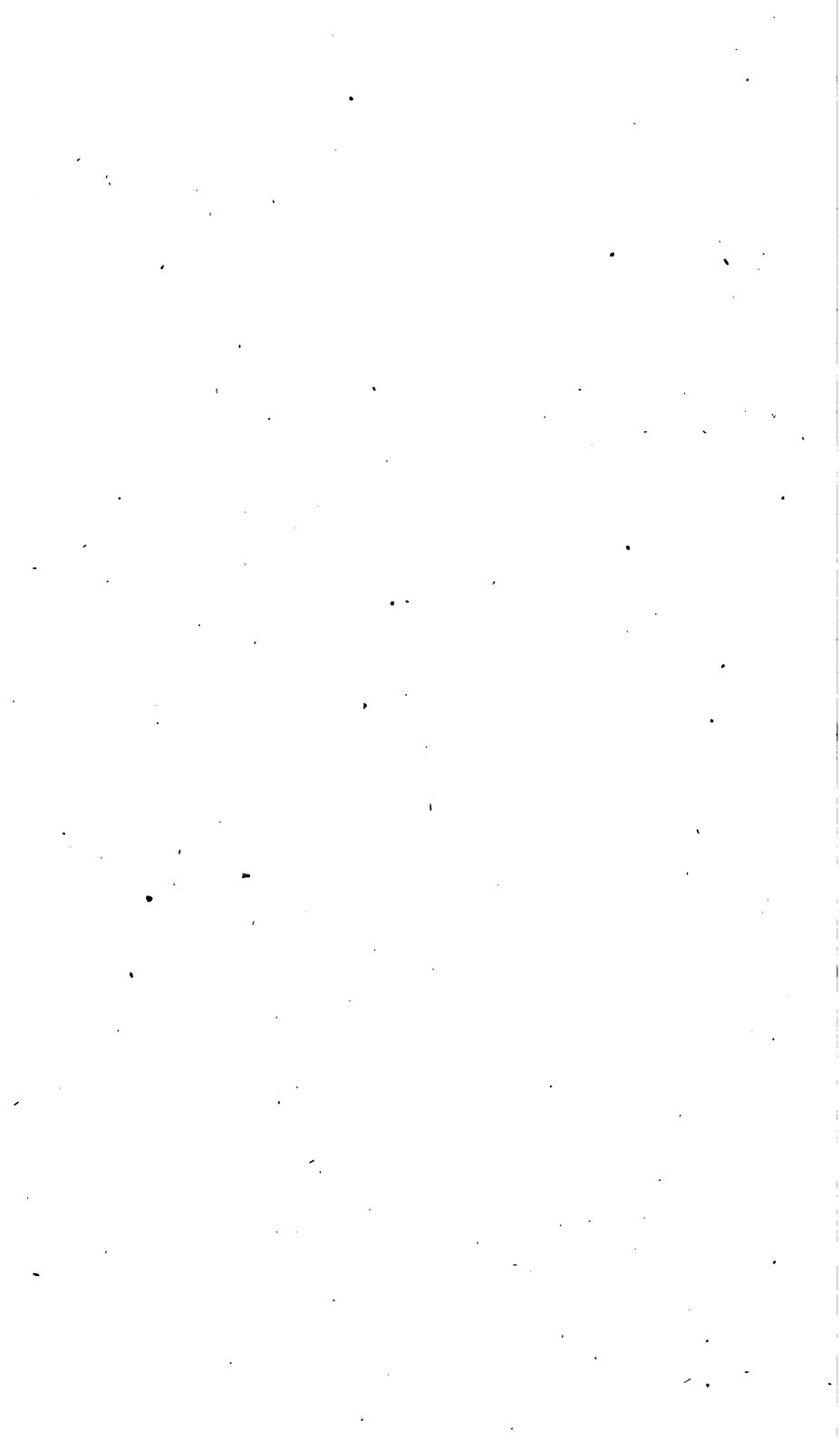
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THE
H I S T O R Y
OF THE
PRINCIPAL TRANSACTIONS
OF THE
IRISH PARLIAMENT,
FROM THE YEAR 1634 TO 1666;

CONTAINING
PROCEEDINGS of the LORDS and COMMONS,
during the Administration of the Earl of STRAFFORD,
and of the First Duke of ORMOND :

WITH
A NARRATIVE of HIS GRACE'S LIFE, collected from
the Papers of Sir ROBERT SOUTHWELL, Knt., Secretary of
State in Ireland, and President of the Royal Society.

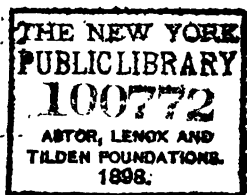
TO WHICH IS PREFIXED,
A PRELIMINARY DISCOURSE
ON THE
ANCIENT PARLIAMENTS of that KINGDOM.

By the Right Hon. LORD MOUNTMORRES.

Tibi res antiquæ laudis et artis
Aggrediar, sacros ausus recludere fontes. VIRG.

IN TWO VOLUMES.
VOL. II.

L O N D O N :
PRINTED FOR T. CADELL IN THE STRAND.
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ERRATA.

Page 124, note, line 2, for 1655, read 1665;
150, note, — 11, read admirable plan.

NOV 1900
1900
1900

THE
PROCEEDINGS
OF THE
IRISH PARLIAMENT.

CHAP. III.

*Of the Proceedings of the Commons of Ireland
from 1634 to 1666.*

SECTION I.

THE first session, which was held by CHAP.
lord Strafford, began on the 14th of ^{III.} 1634
July, one thousand six hundred and thirty-
four. When the lords and commons had
proceeded to Saint Patrick's church, in a
very pompous procession, with the lord de-
VOL. II. B puty.

CHAP.
III.

1634.

puty, the judges, and a large military escort*, they returned to their respective rooms in the Castle; and on the next day, after the lord deputy had made a speech, which is not entered in the journals, they made choice of Mr. Catelyne, the recorder of Dublin, for their speaker; who was presented, and approved, on the following day, by the lord deputy.

On the 17th, committees for privileges were appointed to meet on Fridays in the Court of Chancery at two o'clock; and after a debate whether they should first decide upon the legality of elections, or proceed to read bills, it was decided for the latter proposition by one hundred and twenty-nine to one hundred and seven voices.

On the 19th, Sir Thomas Bramston was ordered upon a question to be expelled, as he was sovereign of Belfast, for which place he had been returned; and he was required to make restitution of sixteen

* Commons Journals, vol. i. p. 102.

pounds

pounds to the inhabitants, which he had CHAP.
III.
probably received for wages *.

1634.

On the 23^d of July, a bill that this parliament should not terminate by the royal assent received a first reading.

This measure has been explained in the account of the lords' proceedings †, and originated from a change in the old method of passing laws in both kingdoms ; but at what precise period this change was made in legislation in either kingdom, I have not yet been able to discover.

On the 29th, the lords proposed a conference for appointing the time of the meeting of the next parliament, and for an humble recommendation to the lord deputy for that purpose.

* As sovereign of this corporation, Sir Thomas Bramston could not return himself ; but in early periods this rule, perhaps, was not so clearly laid down, and generally admitted, as it is at present.

† See vol. i. p. 319.

CHAP.

III,

1634.

On the 31st, sir William Reeves, attorney-general, desired admittance; and acquainted the house, that the towns of Fower, Clonmynce, Taghmon, and Bannow, had sent members, though there were no charters on record whereby they were so privileged; and these burgesses were ordered to attend in the Exchequer chamber, and to shew by what right they were returned to serve in parliament.

During the short time that the Chief Baron Gilbert presided in the Exchequer in Ireland, before he was removed to a similar situation in England, he seems to have made very accurate inquiries into the early state of the Irish representation: but though his works were published after his death, and seem to want the finishing hand of the author, yet the following account throws great light upon the subject.

“ In Ireland, the *pale* * depending on the king, the clergy seemed to have complied with

* Till the 13th year of Henry VIII. the English government extended only to five shires; which district was

with the model of Edward I. in sending proctors to parliament; and the archbishops and bishops, and mitred abbots, sat in the upper house, and the proctors in the lower house. Hence by the 36th of Henry VI. c. 1. it appears that they made a law, that beneficed parsons should forfeit their benefices if they were absent without leave; which sort of regulation was made in England by ecclesiastical authority before the submission of the clergy in the 25th year of Henry VIII. So that the parliamentary establishment in Ireland in relation to the clergy, differed from that of England, for this reason; that Edward the first projected the representatives of the clergy in proportion to the number of the temporal body, and because there were many corporations that held on burgage tenure in England, therefore the deans, archbishops, and proctors of chapters, were let in, to make an equivalent

was called the *pale*. The five counties were, Dublin, Kildare, Lowth, and Meath; afterwards divided into East and West Meath in one thousand five hundred and forty-three, by an act of the 34th year of that king.

CHAP. number : but in *Ireland* there were at *first*

III.

1634.

only representatives of *shires* ; for the burghs did not arise from burgage tenures as in England, but from concessions of the king to send members, which were erected in later times, when, by securing an interest in such towns, proper representatives to serve the turn of the court were sent to parliament : but the ancient members being only for the shires, the proctors were chosen from the county to answer them in numbers.

“ By the 28th of Henry VIII. c. 12. the proctors of the clergy were excluded from any seat in the lower house of parliament : but as the proctors came from all parts of the kingdom, so they assembled in convocation in one synod, where the parliament was held, and did not form four distinct synodical meetings in the four distinct provinces, as they did in the two distinct provinces in England, but made one national synod under the Primate.”

Treatise on the Court of Exchequer by the Lord Chief Baron GILBERT, page 58.

On

On the 2d of August, it was ordered that CHAP.
III.
 fir Barnaby Bryan should have leave of the 1634.
 house to go to England; but that if he did
 not return within one week after the next
 session of parliament, then, by his own con-
 sent, a writ should issue for a new election;
 which was afterwards accordingly done*.

This was the first precedent of issuing a writ by a member's own desire, of which so many instances occur in the early journals; and it was a constant practice till one thousand seven hundred and four, when, upon Mr. Caulfield, an ancestor of lord Charlemont's, desiring to vacate his seat to travel for his pleasure, a standing order was made, that writs should not issue any more at the desire of members to choose others in their own places. This has been since the constant regulation; and in one thousand seven hundred and seventy-nine this principle was adopted in the contest between Mr. Fitzgibbon (the pre-

* Commons Journals, p. 119. 121.

CHAP. sent chancellor) and Mr. Hutchinson for
 III. the university of Dublin, after the election
 1634- was voided the latter having desired to vacate his seat for Sligo, for which two places he had been returned, the house in a reference to them from the select committee, under the adoption of Mr. Grenville's bill, and upon a question particularly and fully debated, gave it against Mr. Hutchinson, and would not allow him to vacate his seat for Sligo, that he might be again a candidate for the university of Dublin; and pronounced at the same time an obiter opinion, grounded upon a decision in one thousand seven hundred and forty-three, as was then said, that seats were only to be vacated by death, by being made a peer, or a judge, or taking holy orders *, in the Irish parliament.

* A doctrine grounded not only upon the ancient law of parliament, but also upon the Irish statute of the 28th of Henry VIII. c. 12. by which the clergy are inadmissible. In the case of Alexander Newell, who was a prebendary of Westminster in the reign of Philip and Mary, and had been returned for that city, the decision was similar. This is the first election case in the journals,—*English Commons Journals*, vol. i, p. 27.

This

FROM A. D. 1634, TO A. D. 1666.

9

This session sat only for a part of two summer months; the sitting days in the commons were only eighteen. On the last day it was ordered that the members should have the same wages they had in the last parliament, viz. thirteen shillings and four pence for counties, ten shillings for cities, and six shillings and eight pence for boroughs; and also that five members then named should consider such orders as were extant, and report them to the house next session, that they might be regularly entered and published by the clerk of the house; and on this day the parliament was prorogued to the 4th of November, one thousand six hundred and thirty-four. The instrument of prorogation is not entered in the journals.

CHAP.
III.

1634

In the second session of one thousand six hundred and thirty-four, the commons sat thirty-one days, from the 4th of November, to the 24th of December, when parliament was prorogued. On the first day a writ

CHAP.

III.

1634.

writ was issued in the room of sir Barnaby Bryan, (in consequence of his absence in England, agreeable to his licence of the last session,) at his own desire : the writ was to issue, provided he did not return before the meeting of parliament : and on the same day the lord deputy Wentworth communicated an act of council for confining and imprisoning sir John Dungan and captain Charles Price for words spoken in parliament ; and also the obligation of the former to make an apology to the latter at the council board ; and informed them, that he was to be conveyed as a prisoner, by the constable of Dublin Castle, to the house, and there at the bar to repeat his submission. This act of council, signed by lord Wentworth and six counsellors, was *satis pro imperio* ; and it was entered in the journals without any comment.

On the 11th of November it was ordered, that a committee of sixteen persons, then named, should repair to the judges any morning

morning at the courts on the inns' quay, or in the afternoon at the council board, and propose to them such acts for the good of the kingdom as they should think proper. This communication with the judges is a presumptive proof, that in early times they were employed principally in framing acts of parliament, as was mentioned in the last chapter.

CHAP.
III.

1634.

On the 13th of November the second precedent appears, of a writ issued at the desire of a member in his own room, in the person of sir Henry Bingham baronet, member for Castlebar, who had been dangerously hurt by a fall from his horse; but this order was countermanded afterwards, probably upon his recovery from this accident.

On the 15th of November, sir John Dungan having made a submission and apology for the offence last session to captain Charles Price at the bar, pursuant to an order of the council, the house forgave him, and deputed
fix

CHAP. six members to the lord deputy to remit the
 III. punishment for the offence to his majesty.
 1634.

A third instance occurs on the 17th of November of a writ issuing in the room of Thomas Leake esq. at his own desire, for which no particular cause was specified; and on the 19th a fourth precedent occurs of a writ issuing in the room of Henry Lord Maltravers *, member for Callan, at his own desire, as he could not attend the house from his avocations in England.

On the 21st of November a committee was appointed with full power to sit upon the business of a mint.

On the 26th of November the fifth and sixth instances occur of writs issued at the particular desire of members in their own room, in the person of sir Henry Tichborne, and Arthur Chichester esq. members for the counties of Tyrone and Antrim, who were licensed to go to England, and could

* An English peer.

not return against the next session of parliament.

CHAP.
III.

1634.

On the 7th of December, a writ was issued in the room of sir Arthur Basset, member for Bangor, in the county of Down, at his own desire, as he had occasion to go to England; and on the following day, for the same reasons, in the room of Thomas Bettefworth and William Kingsmill, members for Mallow; which last is the eighth instance of a writ issuing in the room of a member at his own desire.

On the 11th and 12th of December, two similar instances occur in the person of Lott Price esq. member for Baltimore, having occasion to go to England; and of sir Henry Lynch baronet, member for the county of Galway, who was sick, and wished to retire into the country: which last was the tenth instance.

On the 14th of December a petition was presented to the lord deputy for a mint, in
the

CHAP. the name of both houses, and the parlia-
 III.
 1635. ment was prorogued. — But the instrument
 of prorogation is not recorded.

The extraordinary usage of issuing writs at the desire of members, which I have particularly noted, seems to have been regularly established during this session.

The parliament assembled, after a short prorogation, on the 26th of January, O. S. : this was the third session in one thousand six hundred and thirty-four, in which the commons sat thirty-two days.

On the 3d of February an order for a writ of the last session, in the room of sir Henry Bingham baronet, who had been hurt by a fall from his horse, was countermanded ; and it was ordered that he should still continue, notwithstanding the order of the last session, as member for Castlebar.

On the 14th of February several bills for naturalizing certain English subjects, as
 they

FROM A.D. 1634, TO A.D. 1666.

15

they appear from their names, were read. CHAP.
III.
From this circumstance, probably, in those times, it was necessary to be naturalized in 1635.
Ireland by act of parliament—to have the benefit of natives—and this opinion is still farther confirmed by a bill in the administration of lord Strafford, for naturalizing all the Scottish nation born since the accession of James the first.

On the 16th of February a writ was issued for Charlemont, in the room of Chichester Fortescue esq. who had licence to travel beyond seas. This was the eleventh precedent in this parliament of a similar proceeding.

And on the same day a bill was read, whereby the Irish nobility residing in England were rendered liable to the charges of those who resided. This had a particular reference to the ancient mode of raising money by a poll tax, as the nobility were assessed according to their rank in these contributions.

The

CHAP. The twelve last days of this session were
 III. employed in assessing the subsidies upon
 1635. the different counties.

The four subsidies were rated at near forty-one thousand pounds each, and ten commissioners for each province were appointed.

The province of Leinster paid £.	13,000
of Ulster —	10,000
of Munster —	11,000
of Connaught —	6,800

These payments were subdivided by the counties, of which the city and county of Dublin paid 1,000*l.* each.

On the 20th of March, it was ordered that every knight should give the clerk twenty shillings, and every burghers ten shillings, over and above his ordinary allowance, in aid of the fees on bills; after which parliament was prorogued.

The next session of the same year, namely, one thousand six hundred and thirty-four, began the 24th of March O. S., and the commons sat eighteen days, when parliament was prorogued on the 18th of April one thousand six hundred and thirty-five. The very few transactions which deserve notice this session are as follow: — On the 7th of April eleven members were fined, some twenty, and others ten pounds, for non-attendance, and one as high as fifty pounds.

CHAP.
III.
1635.

On the 15th of April I find an adjournment noted till four of the clock that afternoon. In these early times the house had often two sittings, one before, and the other after dinner; and this is said to have been the practice in the English parliament.

On the 16th of April some dispute between the earl of Ormond and sir Thomas Butler caused a difference between the two houses, and a protestation was ordered to be drawn, and entered in the journals, in case

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C

those

CHAP. those differences were not soon composed :
 III. but the prorogation seems to have been
 1635. hastened to prevent the consequences. On
 the last day a bill passed for building houses
 of correction in Ireland ; and a very extra-
 ordinary measure took place ; namely, a
 deputation of four members to the lord
 deputy, to respite the effect of this bill
 from this period till Michaelmas one thou-
 sand six hundred and forty, by an act of
 state.

The journals of the four sessions in one
 thousand six hundred and thirty-four, and
 one thousand six hundred and thirty-five,
 are irregularly kept ; and the adjournments
 are not regularly noted ; the names of the
 members are not inserted as in the preceding
 and succeeding parliaments ; a usage which
 has been continued from one thousand six
 hundred and forty to the present time, at
 the commencement of every new parlia-
 ment : and what seems very extraordinary,
 the journals of the house of lords in those
 sessions seem to be better kept, more ample,

and their proceedings are more curious and deserving of notice than those of the house of commons.

CHAP.
III.
1640.

SECTION II.

IN the new parliament of one thousand six hundred and forty the number of the members were two hundred and fifty — an increase of eighteen, from the sessions of one thousand six hundred and thirteen and one thousand six hundred and fifteen, when they were only two hundred and thirty-two. In this session the commons sat only twenty-five days. The following are the principal transactions:

On the 16th of March, after a speech from the lord justices, (as the lord lieutenant did not arrive till the 20th of March, lord Strafford being at that time employed as lieutenant general in the Scotch wars,) Mr. Serjeant Eustace, afterwards lord chancellor in one thousand six hundred and sixty-one, was nominated to be speaker by

CHAP.
III.

1640.

the president of Munster, sir William St.

Leger : on the same day sir Richard Barnwall desired that the sheriffs' returns of members should be examined before the election of the speaker was fully determined upon ; but sir George Ratcliffe, who appears to have acted in the last and in this parliament, and who was probably secretary to lord Strafford, informed them, that nothing could be done till the election of a speaker was confirmed ; which opinion was agreed to by an immediate adjournment ; and it seems from hence to have become a constant rule in all succeeding parliaments.

On the 18th the lord lieutenant landed, and the house adjourned, as most of the members were gone to wait upon him at the waterside.

On the 20th the house met, and were called to the lords' bar as usual by the lord lieutenant ; which is the more remarkable, as lord Strafford continued the parliament, which was begun by the lord justices.

justices. This circumstance is particularly mentioned, as doubts were entertained in one thousand seven hundred and eighty-one-two, when the earl of Carlisle was succeeded by the duke of Portland, whether there should not be a new session in consequence of the change of a lord lieutenant in the middle of a session: but though it was said, at that time, that some able crown lawyers inclined to that opinion, yet the parliament was continued as usual, and much inconvenience in public business was thereby prevented; as it is a rule of parliament, that though all judicial business remains *status quo* in the house of lords from one session to another, yet all bills and legislative matters die upon a prorogation. The rule of judicial business being transferred, extends to appeals and writs of error, in case of a dissolution also: but though the lords of England, the 19th of March one thousand six hundred and seventy-eight, decided in the case of lord Danby, that writs of error and appeals, as well as impeachments, were transferable,

CHAP. and remained *statu quo* from one session
 III. to another; yet they repealed the latter
 1640. part of it about impeachments on the 22d
 of May one thousand six hundred and
 eighty-five, and the 30th of October one
 thousand six hundred and ninety; and
 confirmed it still farther on the 24th of
 May one thousand seven hundred and se-
 venteen: which precedents have been
 warmly debated in the English parliament,
 upon a consideration of Mr. Hastings's im-
 peachment.

SECTION III.

THE parliament was convened on the
 16th of March one thousand six hundred
 and forty, when the speaker, having been
 presented and approved by lord Straf-
 ford, made a long, fulsome, pedantic speech,
 stuffed with scriptural and classical quota-
 tions: but there is one thing that deserves
 notice in this composition; namely, the
 citing of three celebrated records from the
 rolls

rolls in the Tower of the eighth of Ed- CHAP.
ward the second, and the fifth of Edward III.
the third, proving the attendance of Irish 1640.
members in the English parliament; and
also a charter of the tenth of Edward the
third, for holding parliaments every year in
Ireland.

On the same day members elected for two places were ordered to make their election. After the house had returned, and the speaker had taken the chair, writs were ordered to be issued for those vacancies, for such as were abroad in England or elsewhere, and also for those that were misnamed in the returns.

On the next day a bill for the relief of patentees within the survey of the court of Wards and Liveries was read, in order, as it was said, to invest the speaker, and give him seisin of his place. This prior step was taken upon debate, before that of purging the house, as it was termed, which meant the decision of contested elections.

CHAP.

III.

1640.

The sheriff of Louth was ordered to shew cause why members were not returned for the borough of Atherdee * ; petitioners against him were ordered to attend in ten days to make good their complaints; and a select committee of privileges was then named to sit every Wednesday and Friday at two o'clock.

On the 23d of March a petition of Mr. Lyndon, against the election of Mr. Davis for Carrickfergus, was referred to the committee of privileges.

The same day it was resolved, *nem. con.* That four subsidies should be granted by the laity and temporalty of the kingdom as a present supply for his majesty's pressing necessities, with a declaration, which had a particular reference to the Scotch invasion.

The lords at the same time sent a message by two judges, desiring them to appoint a

* This town of Atherdee had sent members to parliament in one thousand six hundred and thirteen, in the reign of James the first.

committee of twelve lords to agree with a similar committee in penning the said declaration; which was agreed to, and twenty-four members were named to meet the lords' committees in the middle room without the house for that purpose.

CHAP.
III.
1649.

The bill for the four subsidies was on the same day read a first time.

On the 26th of March one thousand six hundred and forty the lords desired that a smaller committee might be appointed for a joint declaration. This was agreed to; but it appears that the commons would not agree with the lords in framing it, and presented it to the lord lieutenant separately. This and the preamble to the bill were framed, it appears, by lord Strafford's particular desire. This appeared in the next session, when this act was rescinded, or rather counteracted, by a general protestation of the house of commons, soon after the impeachment of that unfortunate nobleman.

On

CHAP.

III.

1640.

On the 30th of March the allowance for wages was confirmed as in former parliaments, thirteen shillings and four pence for knights, ten shillings for citizens, and six and eight pence for burgesſes, ten days before and ten days after parliament. In England it appears from Prynne's treatiſe *de expenſis militum*, that members' wages laſted in proportion to the time neceſſary for travelling from the diſtrict they repreſented to the place where parliament was aſſembled. This payment of wages was conſtantly varying in England, becauſe in early time parliament ſeldom met twice in the ſame place. Thus the members of Corniſh boroughs had a week's extra wages when parliament aſſembled at Weſtmiſter, and a fortnight's when they were convened at York.

A very extraordinary affair occupied the attention of the houſe this day : A complaint againſt ſir Henry Wallop, the anceſtor of the preſent earl of Portſmouth, who had exacted a cuſtom of the thirteenth part of
all

all the timber passing from Ennifurthy to Wexford. This estate, I believe, remains in the earl's family to this day. The exaction had been censured in the last session the 4th of March one thousand six hundred and thirty-four, and he was now ordered to attend. A representation of this grievance was made to lord Strafford to inflict a proper legal punishment; and the exaction must have been very considerable in those days; for, according to an excellent treatise written by Andrew Yarranton at the time of the revolution, entitled "England's Improvement by Sea and Land," one of his projects is to make the river Slaney navigable, to afford an easy transport of the timber, from the oak forests with which the counties of Wexford and Wicklow at that time abounded, for the use of the navy of England.

The declaration to the act for four subsidies was this day agreed to, and announces their unanimous and cheerful consent to this grant for the reduction of the Scotch covenanters :

CHAP. nanter: they desired it to be represented to
 III. the king, and published in print as a testi-
 1640. mony to the whole world, that as they had
 the happiness to be governed by the best of
 kings, so they are desirous to give his ma-
 jesty just cause to account of his people
 among the best of his subjects.

A writ was issued this day by consent of
 Henry Dillon esq. for electing a member in
 his room for the county of Roscommon,
 which makes the twelfth precedent of this
 sort on the Journals,

On the 1st of April one thousand six
 hundred and forty the celebrated historian
 and antiquarian, sir James Ware, member
 for the university of Dublin, who appears
 to have been an active and useful member
 in all the parliaments since one thousand six
 hundred and thirteen, was ordered to collect
 ten shillings from every knight, and five
 shillings from every burges; two thirds for
 the clerk and his assistants, and a third for
 the serjeant at arms and doorkeeper: this
 and

and similar contributions mark how very ill CHAP.
 paid the servants were in ancient time, and III.
 the small produce of fees upon private 1640
 bills.

The house then adjourned to the 1st of June, and on the 5th of June a very important bill was under consideration for the remedy of defective titles to estates.

On the 11th of June a new writ under the great seal was ordered for the returning of two members for Atherdee, in the county of Louth, and the sheriff was punished for a former omission.

On the 15th of June the house was occupied by the declaration, and in proposing arrangements with the lords about levying the subsidies; from a farther declaration it appears, that the act of subsidy and the preamble and declaration were supposed by some to be a mere act of lord Strafford's, as it afterwards turned out to be; and he seemed so vain of this declaration, that it

was

CHAP. was ordered to be enrolled in the auditor-
 III.
 1640. } general's office, in the records of the Chan-
 cery, and of the privy council.

On this day a petition was presented to Lord Strafford for the house to sit some days longer, that they might hear and consider of certain grievances.

This seems not to have been relished by Lord Strafford, who sent the very same day a message by the usher of the black rod for the house to attend him immediately, when parliament was prorogued, but not before the two following measures took place.

The first was, a letter from the speaker to the high commission court, to absolve William Stout and Richard Fountain, who had been excommunicated in a cause promoted against them by one Holt, a priest, who had presented a petition to the house; and secondly, an unanimous remonstrance to the lord lieutenant against certain exactions of
 the

the clergy, of which I shall here select the most material articles.

CHAP.
III.

1640.

The grievances which they desire to be abolished amount to thirty-two ; among the rest it was stated, that the parish clerks took a barrel of corn for every plough, and two quarts of rye or wheat for every ploughed acre.

That people who had been long married were obliged to take out certificates of their marriages, and to pay seven shillings for them ; that four taile of corn, each taile consisting of nine sheaves, were exacted by the clergy for every plough land, and one sheaf of corn for every horse in the plough. These grievances they desired to have abolished ; besides which, they state fourteen other grievances to be reformed and moderated ; among the rest, fees of thirteen shillings, and five and sixpence for clandestine marriages, to be reduced to two, and all other church ceremonies to be reduced in a certain proportion to one shilling

CHAP. ling for the minister and six pence to the
 III. clerk.

1640.

That by an act of parliament the bishop should administer an oath to every minister to keep a school for teaching the English tongue; and they desired the statute to be put in execution. That process out of spiritual courts issued with blanks, and the apparitors inserted the names; which grievances they desired to be reformed; and lastly, that registers had no table of fees, which they alledged ought to be put up in their offices to prevent exactions.

This representation so long ago proves how much the people of Ireland have always thought themselves aggrieved by clerical dues and clerical exactions. Whatever was the origin of tythes, it is certain that a more inconvenient mode of provision for the clergy could not have been devised; more troublesome to themselves, more injurious to the peace, the welfare, or improvement of the country. "Tythes," says an eminent
 nent

nent divine*, “are a tax upon that industry
 “which feeds mankind;” and it is sur-
 prising that the wisdom of the legislature
 has not long ago instituted a better pro-
 vision for the clergy.

CHAP.
 III.

1640.

About the year one thousand seven hundred and eighty-three a very judicious representation was made to parliament by the grand jury of Kilkenny at the summer assizes, which was presented by the representatives for that county; in which they state the grievances of tithes, of tithe proctors, and their mode of collection, as the causes of all the disturbances and insurrections of White Boys, &c. in the southern parts of Ireland; and request that parliament would take this matter into their consideration, and make an adequate provision for the clergy in a more creditable manner, and by some institution less burthenome and less grievous to the community.

* Dr. Paley, archdeacon of Carlisle.

CHAP.

III.

1649.

Hitherto nothing has been done in this momentous affair, though it has been taken up by a man of great abilities in parliament, one of her brightest ornaments, and to whom his country has borne the most ample testimonies of his public spirit and patriotism*:

The most obvious and most direct course would be to form a county rate or assessment as a provision for the clergy equivalent to the *bona fide* valuation of their benefices, and exempt the landholder and tenants from tithes.

Besides the general declamation against innovation, it might be urged with some colour, that what is adequate now, would not be a suitable provision in future. Parliament, however, can at any time make an adequate increase in their stipends and benefices; and that the scheme of increasing college rents after long terms,

* Mr. Grattan.

which

which was adopted in the university of CHAB.
III.
1640
Oxford, it is said, from the idea of the
great lord Burleigh, seems to be the best
criterion of a scale of equivalency, increas-
ing with the price of corn, in the adjoining
markets.

If the scheme were adopted, it is manifest
the clergy and lay impropriators also would
receive a sure, honourable, and adequate
provision; the country would be freed from
many riots and disturbances; and spiritual
and temporal concerns would be no longer
at variance; the clergy would live in peace
with their flocks; and the improvement of
the country, and the honest endeavours of
the peasant would no longer be taxed for
their support.

It is a melancholy consideration, that even
a modus upon the tithe of hemp and flax,
the native growth of which is so essential to
the prosperity of our staple manufacture,
should be opposed so constantly and with
such effect by the clergy. In the year one

CHAP.
III.

1640.

thousand seven hundred and thirty-five a bill for this purpose was rejected in the lords upon the representation of Dean Swift, whose arguments (if it may be allowed to think differently from such a genius) were rather the produce of ingenuity than of judgment.

The want of churches and of glebes, and parsonage houses, is another circumstance which renders the payment of tithes very irksome, and apparently unreasonable. It is true, the heirs of any clergyman who builds a house are, by several acts of parliament *, to be amply indemnified by the successor to the benefice.

But some farther provision for this purpose seems wanting ; and the scheme of se-

* Vide the 10th of William III. chap. 6. amended by the 12 Geo. I. c. 10. 1 Geo. II. c. 15. 9 Geo. II. c. 13. 15 Geo. II. c. 5. 17 Geo. II. c. 8. Under these laws it is said that the heirs of a bishop, or any clergyman who builds a mansion-house, receives the whole of the sum expended, provided it does not exceed two years income of the benefice ; afterwards the expenditure is *thirdd*, like college rooms, by the subsequent successors.

quester-

queftering of a church benefice upon the death of an incumbent till a church is built, and a glebe and houfe are provided, and delaying the prefentation till that is done by the bifhop, or other proper commiffioners, feems to be moft defirable. Soon after the revolution a bill to this effect was prefented to the houfe of lords by doctör Vefey, archbifhop of Tuam.

Amongft all the propofitions of this kind, amongft all the pamphlets which have been published, I do not recollect any which alludes to the Scotch fyftem : but the bounds of this work will not allow me to expatiate upon this fubject. That I may not, however, employ myfelf or my readers with mere fpeculations, I fhall recommend to my country, and to their attentive confideration, that wife, judicious, practicable, and fatisfactory fyftem, which was adopted, particularly in one of their laft acts relative to appointing the court of feffions commiffioners of teinds, as they are called, or tithes, of the parliament of Scotland.

SECTION IV.

THE parliament was prorogued from the 17th of June to the 1st of October one thousand six hundred and forty, when they met and adjourned to the 2d, and afterwards the 3d of October; when this order was made, by which particular motions for that purpose seem to have been superseded, that "when a member should die, the speaker should issue his warrant to the clerk of the Hanaper for a new election;" and it was ordered, that a new writ should issue in the room of Mr. Peppard, for Drogheda: a letter was then ordered to be written to the chancellor, touching his lordship's having made no return to the writs which were presented to him for five elections.

Upon the 12th of October, it being alleged that Hugh Montgomery esq. a member, was sick, and that a new writ should issue for an election in his room for Newtown, it was referred to the committee of
10
privileges

privileges whether a new writ should issue; but nothing was done till next session, when a writ was issued the 4th of February one thousand six hundred and forty, in consequence of his own petition, stating his disability from a long-continued indisposition.

CHAP.
III.

1640.

On the 24th of October an act of naturalization was read for naturalizing three sons of sir Francis Willoughby, and for Mr. Garnier.

On the 7th of November a long remonstrance was presented to the lord deputy against arbitrary rates upon trade; against decisions upon paper petitions to the council board; the denial of the limitation act of the twenty-first of James the first, which remains a grievance to this day; extrajudicial judgments against patents of estates in the council; the monopoly of tobacco, and other monopolies; the ill usage of the commissioners for the plantation at Londonderry; high commission courts and clerical exactions; informations in the Ex-

CHAP. III. { chequer against antient boroughs, and their
 1640. right to send members to parliament, &c.
 &c. ; and on the 11th this remonstrance
 was ordered to be presented by the parlia-
 mentary commissioners to the king, who
 were soon after nominated ; and on the
 12th it was agreed that they should go at the
 expence of the kingdom ; but the parlia-
 ment was prorogued on that day, to prevent
 any farther proceedings, till the 26th of Ja-
 nuary following.

On the 19th of November, in the recess,
 the following very extraordinary entry ap-
 pears in the Journals : “ Memorandum,
 “ By virtue of his majesty’s letters, we the
 “ lord deputy have, at the council board,
 “ had two orders of the house of com-
 “ mons, in presence of divers of the late
 “ members, torn out of the journals : these
 “ orders related to presenting ways and
 “ rates to be observed in taxing the grow-
 “ ing subsidies ;” and this memorandum is
 signed Christopher Wandesford, who was
 lord deputy.

After

After the prorogation the house of commons resumed the business of the twelve commissioners, and made provision for them by a charge upon the principal towns and counties in Ireland; and they appointed a committee to draw up instructions for them. This was the second instance of these parliamentary commissioners; the first has been noted in the account of the sessions in one thousand six hundred and thirteen and one thousand six hundred and fifteen: their instructions were, to apply to the king for a bill to modify Poynings' law, that the house might draw bills by their own committee during a session; that the farming of the revenue and expensive licences for exportation might be prohibited; and that printed regulations of the courts of justice might be established by law.

CHAP.
III.

1640.

On the 10th of February the house was taken up with arrangements about levying subsidies: and the order of the preceding 20th of October on this subject, which had been erased, was restored.

On

CHAP.

III.

1640.

On the 16th of February a very extraordinary proposition was made to the lords, desiring them to take the judges' opinion upon twenty-one queries; and on the 17th an unanimous protestation was entered against the preamble to the act of subsidies of the last session, which they declared was foisted in and entered against the knowledge of the house by lord Strafford and his abettors. At the close of this they state a proclamation of the king in one thousand six hundred and twenty-five, prohibiting all applications to the lord deputy and council for justice, and referring lawsuits, in all cases, to the ordinary courts of law. The Castle Chamber was never formally abrogated by a law, (as the Star Chamber was in England,) but it has fallen into disuse; a bill for this purpose passed the lords in one thousand six hundred and ninety-seven-eight, but was not returned.

John Fitzgerald esq., who was duly returned for Ennistiegue, having been committed to the Marshalsea, upon the calling
of

of the house the 20th of February, this extraordinary order was made; "That the committee of privileges shall note the absent members, and report which of them ought to continue, and which ought to be put out or removed; and that Mr. Fitzgerald should be enlarged and restored to his seat *."

CHAP.
III.

1649.

The 23d of February the house was employed in reading a letter from the commissioners in England, and in sending them farther instructions.

On the 27th of February one thousand six hundred and forty a committee of forty-four were appointed to draw up articles of impeachment against the chancellor sir Richard Bolton, the bishop of Derry, the chief justice Lowther, and sir George Radcliff. Of the message to the lords, the report was made the same day by captain Mervyn, who was speaker after the restora-

* Commons Journals, vol. i. page 306. Ibid. 309.

tion;

CHAP.

III.

1640.

tion ; which imported that the house did impeach the said persons of high' treason ; and desired that their persons might be secured, and sequestered from the house of lords, the council table, and other places of judicature ; to which the lords sent them word by the black rod, into the middle room, that they would consider of it. This term, *middle room*, which occurs so often, was a void space between the two rooms destined for the two houses before the restoration in the castle of Dublin ; at which period they removed to Chichester house, on the site of which the present house of parliament was founded.

From the 28th of February to the 6th of March one thousand six hundred and forty, on which last day the articles of impeachment against the aforesaid persons were presented *, the house was taken up principally with an examination into the innovations of the charter of the University : but as this was a matter of the utmost conse-

* Commons Journals, vol. i. p. 319. Ibid. 328.

quence.

quence, not only to them, but to the most distant posterity, as the cause of learning was materially affected by it, I shall spare no pains to detail this matter, and to give it at full length, with an ardent hope that, sooner or later, parliament may take this into consideration, tread in the steps of their ancestors, and accomplish a work which was left unfinished by their predecessors.

CHAP.
III.

1640.

A committee was appointed on the 23d of February one thousand six hundred and forty, to consider of the state of the college, and to examine their charters. When they met to put this order in execution the 28th of the same month, they found that a by-law, or statute, had been lately made there, "Whereby any student or member who should exhibit a complaint of grievance should be suspended or expelled." This regulation, however, was set aside; and the members being at full liberty to represent their grievances, it gave rise to a long inquiry, and it was resolved, "That the
" govern-

CHAP. "government introduced into the college
 III. "by doctor Chappel, the late provost, after-
 1640. "wards bishop of Cork, and used there
 "since the procuring of the late charter, the
 "thirteenth of Charles the first, has sub-
 "verted the ancient foundation thereof,
 "tends to the discouragement of the natives
 "of Ireland, and is a general grievance."
 This was followed by a message to the
 lords, to desire the bishop might be sent for
 to answer such things as might be objected
 against him.

The representation upon the state of the
 university of Dublin, which is to be found
 in the journals of the 4th of March one
 thousand six hundred and forty *, I shall
 subjoin at length, as it places a great na-
 tional object in a just light, and may here-
 after be of signal use to the community.

By the original statutes in the reign of
 Elizabeth the election of their president is

* Commons Journals, vol. i. p. 351.

placed in the fellows, who at present amount to seven senior and thirteen junior fellows. Had this institution prevailed, according to the charter, a noble reward would have been destined for literary merit, and an academical system established in Ireland superior to those of the English universities; but, unfortunately, archbishop Laud violated the original charter, and gave this power to the crown.

CHAP.
III.

1640.

If there be a reward for real merit, for important information, for depth and instruction in the abstruse sciences, it exists in a fellowship for the university of Dublin. The fellows are sworn in the most solemn manner to elect the candidate that shall answer best: the examinations continue four days, for two hours in the morning, and two in the afternoon, and are open to every curious person in that city.

The candidates are rigorously examined, and obliged to give answers to the most abstruse questions in Newton's Principia without

CHAP. out a diagram, and to be conversant in
 III. History and Ethics; in Hebrew, Greek, and
 1640. Latin; in a word, endowed with a most
 ample and complete knowledge of the Belles
 Lettres.

The fellows who are thus chosen are certainly the best judges of the qualities proper for their president; and it must become a serious object to every well-wisher to his country to have this reformation effected by an act of parliament.

Unfortunately for that seminary, the emoluments of the provostship, which are said to be above three thousand pounds per annum, have made it a political object; and it has been bestowed as a state employment, and taken entirely out of the academical line.

As this is the only grievance of the kind in his majesty's dominions, it must be supposed, under a prince so remarkable for his judicious disposition of ecclesiastical and academical patronage, to have been the effect of
 some

gross ministerial representation: but the fault is at present in themselves. It is the slave which makes the tyrant, and acquiescence, in some sort, justifies violence and public injury.

CHAP.
III.

1640.

The university never can thrive till it is restored to its primitive institution. This should be the commencement of that system of education which was proposed by Mr. Orde in the duke of Rutland's administration.

It was in consequence of some observations upon this subject, that offence was given by the author of these remarks in April one thousand seven hundred and eighty-seven; where, though no personal injury was intended, such an apology was demanded as could not be listened to; and it being declared by the author that he would sooner perish than make any concession upon such a point, when his own and the credit of the assembly he belonged to was at stake, a satisfaction was then given, which,

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E

what-

CHAP. whatever the offence might be, or in what-
III. ever light it was considered, must be ac-
1640. knowledged to have been a fair and ample reparation.

It is not here intended to revive past animosities, nor to dwell upon the conduct of a great assembly : suffice it to observe, that their own interests were deeply involved in that question, that the freedom of speech is a most invaluable parliamentary privilege, and that it were to be wished that power had not interfered and stifled their just feelings upon that occasion.

The following representation comprehends many particulars, which may be of great moment ; but the essential article is that relative to the appointment and election of the provost by the fellows. There is some ambiguity in the sentence relative to strangers, but the author did not think himself warranted to make any alteration, and shall therefore confine his remarks
and

and his wishes to one, and only one, ob-
 ject; namely, that the power of electing
 and appointing their own president from
 their own body, according to the following
 design of the house of commons of Ireland
 in one thousand six hundred and forty,
 should be vested by act of parliament in the
 fellows of the university of Dublin, con-
 formable to the design of their foundress, to
 the advice of archbishop Usher, to the bene-
 volent and munificent design of queen Eli-
 zabeth, and according to the terms of their
 original charter.

CHAP.
 III.
 1640.

*The State of the Case of the College of Dub-
 lin for so much as it hath been reported to
 the House for the Grievances thereof.*

QUEEN ELIZABETH, by a charter dated
 the thirty-fourth year of her reign, in these
 words, *pro ea cura quam de juventute regni
 nostri Hiberniæ pie et liberaliter erudienda
 singularem habemus*, &c. on the supplication

E 2

made

CHAP.
III.

1640.

made by Henry Usher *, in the name of the citizens of Dublin, did erect and found the college near Dublin to be a college and university, *per nomen præpositi, sociorum, & scholarium collegii Sanctæ Trinitatis, reginæ Elizabethæ juxta Dublin.*

And, among other things, gave them power by that charter of *electing their provost* when voidances should happen of that place; and also power of making laws and statutes for the better government of that college, to be made by the provost and fellows of that college.

And likewise appointed them thereby visitors, viz. the chancellor or vice chancellor of the university, the archbishop of Dublin, the bishop of Meath, the vice treasurer, the treasurer at war, the lord chief justice of his majesty's court of Chief Place, and the mayor of Dublin.

* Afterwards archbishop of Armagh.

Statutes were antiently made, whereby the elections and the whole government were reposed in the provost and seven senior fellows; and thereby also, among other things, the provost and fellows were to take an oath, when they, or any of them, were called to any of their places; and by the said statutes the natives of the kingdom were directed to be preferred to scholars places, and to fellowships in that college, before any other the subjects of his majesty's dominions, *cæteris paribus*.

CHAP.
III.
1640.

About August one thousand six hundred and thirty-four Mr. Chappell became provost, and continued provost unsworn until Trinity term one thousand six hundred and thirty-seven.

About May 13, Caroli regis, a charter was procured to the provost, fellows, and scholars, of the said college, by which charter, the ancient charter seemed to be confirmed in part.

CHAP. But the nomination or donation of the
 III. provostship thereby was reserved or resumed
 1640. to his majesty.

The statutes formerly in force by that charter were annulled, and statutes annexed to the late charter, which were signed with the hand of the archbishop of Canterbury*; and thereby it was farther commanded that these new statutes, and none others, should be observed, unless his majesty should be pleased to add to them, or to change them, as to his majesty might seem meet.

And by the said charter it was ordained, that the chancellor, or, in his absence, the vice chancellor, and the archbishop of Dublin, should be hereafter the visitors: all which alterations, among others, were made as the charter saith, *cum assensu præpositi, sociorum, & scholiarium*; and yet there appeareth but two of the fellows, viz. William Newman and Robert Conway, that consented to that act and deed; so that those

* Archbishop Laud.

two, together with the provost, seem the only persons of the college that wrought that change, and by their consent would bind the whole college.

CHAP.
III.
1640.

And yet those two fellows, as if by the visitors, at a visitation, held the 20th of July one thousand six hundred and thirty-six, were deprived of their fellowships.

By the late statutes it also appeareth, that the provost should not hold a bishopric while he continued provost; and that the natives ought to be preferred, as they were to be by the former statutes.

Upon acceptance of the late charter and statutes, the provost on Trinity Monday one thousand six hundred and thirty-seven, took his oath to the new statutes; which oath, during the continuance of the former statutes, he would not take.

The provost before and after the new statutes, and his oath taken, put back the natives,

CHAP. natives, which ought to be preferred to
 { III. scholarships or fellowships in that college;
 1640. and before and after brought in strangers of
 his pupils in Cambridge, and others of his
 purpose, though less learned than the na-
 tives, and preferred them to the fellowships
 and officers in the college and government;
 as also some to the scholars places, less wor-
 thy than the natives.

Those that were preferred to fellowships,
 having spent little or no time in their studies
 in this college, were suddenly so put into
 them, as though they seemed to have been
 sent for to accept of them; when the na-
 tives, which expected them, were prevented
 by them.

The mathematical and Hebrew lectures
 were by the said provost put down, and
 other exercises of learning.

The natives of the kingdom by such
 practices have been infinitely grieved, dis-
 couraged, and disheartened, to follow their
 studies and civility.

The

The donation being resumed ; if it so hold ; strangers are like to come in, to favour strangers.

CHAP.
III.
1649.

The mayor of Dublin, at whose instance the college was founded, (though the site and lands on which the college stands was by him given,) was ungratefully put forth from being a visitor.

And the two visitors who are appointed are not able to redress the grievances and abuses in government ; for that by express words in the late charter, in *gravioribus negotiis*, the vice chancellor and archbishop of Dublin can do, nor determine nothing, without the approbation of the chancellor, who now is the archbishop of Canterbury ; and if they shall act, it must be void.

The provost, after his acceptance of the bishoprics of Cork and Ross, continued provost of the college above two years, contrary to those statutes to which he was sworn.

There

CHAP.
III.

1640.

There is not among the senior fellows, who govern with the provost, but only one native now; and whereas by the first charter, fellowships were to be but for seven years, by the new charter they are to continue their fellowships for life; so as the averfeness, fettled in those strangers towards the natives, is not likely to be removed in their life-time, if not extraordinarily redressed.

John Dungan,	Adam Cusaek,
John Byse,	Paul Reynolds,
Bryan O'Neale,	Archibald Hamilton,
Robert Byse,	William Plunket.

It is ordered upon question, that the state of the cause, for so much thereof as has been reported to this house concerning the grievances of Trinity college near Dublin, shall be drawn up by the committee appointed for those grievances; and the same being by them presented to the speaker of this house, he is to send it so drawn, to the committee of this house now in England, together with

with a letter to be written by the speaker, to recommend the same to their care ; and requiring them, that, with the advice and assistance of the most reverend father the lord primate of Armagh*, they should supplicate his majesty for speedy redress of the said grievances ; and that the same may be done, if his majesty shall so think fit, by an *act of parliament* to be passed in this kingdom, discharging the new charter and statutes, and re-establishing the first foundation and charter ; with such farther clause or clauses for the more successful propagation of learning in this kingdom, among the natives thereof, as shall be thought fit by his majesty, *with like advice*, to be inserted.

* The learned Usher came to England in one thousand six hundred and forty, and resided for some time at the apartments of Dr. Morice, the Hebrew professor and canon of Christ Church, where he pursued his studies and researches in Oxford : the rebellion obliged him to remain in England till his death at Ryegate in one thousand six hundred and fifty-six.—*Life of Archbishop USHER*, p. 44. and p. 76.

SECTION IV.

THE transactions of the session which preceded, and of those which followed the Irish rebellion, are very irregular ; the proceedings relate principally to expedients and temporary regulations in those confused and tumultuous periods. Suffice it to notice a few of the leading particulars, as, perhaps, very few articles will deserve the attention of posterity.

The session lasted from the 11th of May one thousand six hundred and forty-one, through all the Summer months, to the 7th of August, when they adjourned to the 9th of November, with the leave, as it is expressed, of the lords justices for so long an adjournment. In this last interval the Irish rebellion broke out in the month of October. As parliament was then not sitting, there is no cotemporary account of this memorable event in the journals of either house of parliament in Ireland.

On

On the 11th of May the president of Munster had leave of absence; and at his desire, a writ for Killmallock, in the room of his son William St. Leger esq. was issued upon the humble request of the latter.

CHAP.
III.

1641.

On the 13th of May it was ordered, on account of the distress of the times, that all protections, except to menial servants, should cease during this session. Protections granted by members to debtors, was a shameful abuse of parliamentary privilege. This custom was finally abolished in England in one thousand seven hundred and twenty-five, and in Ireland in one thousand seven hundred and forty-seven.

On the 15th it was ordered, that no petition should be read in the house, unless presented or called for by a member; and that no petition against a member should be read without an order, and due notice to the party; both which are rules at this day.

On

CHAP. On the 18th there was a conference rela-
III.
1641. tive to a proper provision for the parliamen-
tary commissioners in England.

On the 19th the lords sent the answers of the lord chancellor, lord Lowther, and the bishop of Derry, desiring that copies might be taken of them, and the originals returned from the commons.

On the 21st of May it was ordered, that a writ should issue for Mallow in the room of William Kingsmill, who was ill of a consumption, and not likely to recover.

On the 22d of May one thousand six hundred and forty-one his majesty's letter for the continuance of parliament was read and entered. This declaration seemed necessary to obviate certain doubts upon the death of lord deputy Wandesford, who died suddenly for grief, as it is said, on account of the prosecution of his friend lord Strafford, during that viceroy's absence. A particular account of this event has been given in the
history

FROM A. D. 1634, TO A. D. 1666.

63

history of the lords' proceedings of this session *.

CHAP.
III.

1641.

A letter also from the king was read containing certain graces; amongst the rest, his consent to a bill to limit the claims of the crown to sixty years, as was done in England by the 21st of James the first, chapter 21. A similar act had been returned on the very eve of the Irish rebellion just after the parliament rose; and of such importance was this act deemed at that time, that Mr. Carte, in his Life of the Duke of Ormond, says, that if it had passed into a law it would, with another quieting act, have contributed wonderfully to pacify the country, and might in a great measure have prevented that insurrection. This bill has, within the last twenty years, passed the house of lords three times; but it was constantly rejected in the council: it however demands the attention of the legislature, at a period when their legislative rights are at length fully restored. The famous dispute between the duke of Portland and sir James

* Vol. i. p. 335.

Lowther

CHAP. Lowther in England, and the grant to the
 III. latter, induced parliament to extend this pro-
 1641. vision to futurity. Since which period sixty
 years of uninterrupted possession are a bar
 to the claims of the crown from any given
 period ; before which time the crown could
 have recurred for sixty years before one
 thousand six hundred and twenty-one, or the
 21st year of James the first, to prove their
 right. The necessity of such a law is most
 evident in Ireland, since there never has
 been any limitation, no not of the last de-
 scription, in that kingdom ; and the maxim
 that *nullum tempus occurrit regi* prevails
 still in full force.

On the same day, after thanking his ma-
 jesty for the graces contained in his message,
 the lords and commons agreed upon a de-
 claration to his majesty touching the right of
 criminal jurisdiction and impeachment in the
 high court of parliament in Ireland, as it
 had been directed for four hundred and fifty
 years by the common law of both kingdoms.
 With other courts of justice, they request,
 that

that they may not be desired to produce
 precedents to prove their rights, because
 many records were mislaid, and some were
 designedly embezzled; and in the power of
 the chancellor, and of the chief justice, who
 were impeached.

CHAP.
 III.

1641.

This extraordinary declaration, it appears by the lords' journals, took its rise from a singular opinion of the chancellor Bolton; which was, that, as the two houses could not propose laws without leave of the king and council; by a parity of reason, they could not take upon them an inquisitorial or judicial power without a similar permission. This was the chancellor's crotchet. Whimsical opinions have prevailed in policy as well as in religion: and Cicero states in the *Natura Deorum*, that there were few religious opinions, however odd and absurd, that had not, some time or other, been maintained by some philosophers.

On the 25th of May thanks were returned to the lords for the queries and an-

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swers

CHAP. swears from the judges by their lordships' desire.

III.

1641.

On the 26th of May a writ was ordered in the room of captain William Paisly, a minor, for the borough of Augher. And it was also ordered, at the same time, that none hereafter, under the age of twenty-one years, should be elected, returned, or admitted, as a member *.

On the 4th of June a writ was issued for Ballinakill, in the room of William Alfrey esq. upon his own petition.

From this time till the 18th of June the houses were principally occupied in considerations about levying subsidies; and on this day a writ was issued for the returning of another burgess in the room of Oliver Plunkett.

On the 19th of June a report was made by the chancellor from those judges who

* There is no law in Ireland similar to the English act of king William, which prohibits minors from voting, &c. in parliament under severe penalties.

drew

drew up the several subsidy bills, which was presented by captain Mervyn; and on the same day a secret select committee were appointed to draw up articles against the chancellor, lord Lowther, the bishop of Derry, and sir George Radcliff, who had been impeached.

CHAP.
III.

1641.

From the following entry, and other passages at this time in the journals, it is probable the house at this time assumed a power of hearing and deciding causes.

“ That a *habeas corpus* shall be granted
“ by the proper court to James Plunkett, that
“ he may better attend the prosecution of
“ his cause now pending in this house.”

On the 26th of June captain Weldon had a basin and ewer of silver given to him, with the device of *signum fidei*, for his bringing a message from the committee in England. He took shipping on the 26th, and was with the commissioners in London on the 29th of May.

CHAP. On the 30th of June it was voted upon
 III. the question, that a decree against George
 1641. Earl of Kildare at the council table was extrajudicial and contrary to the great charter, and should therefore be vacated. About this period several of these extrajudicial decrees were also annulled.

On the 19th of July writs were issued (at their own desire) for two members for Newry, in the room and places of Tobias Poynes and William Reading esquires; and also in the room of Pierce Butler esq. for Gowran, who was licensed to go beyond seas.

On the 26th of July the house, after considering the queries and answers of the judges, came to a long declaration of the liberties of the subject, and condemned the jurisdiction of the council table before the lord lieutenant; imprisonments by them; proclamations affecting their liberty and property; martial law in peace; the *quo warrantos* against the right of boroughs to return members; &c. &c.

On

On the 27th William Purcell, who had wrongfully summoned fir Robert Southwell to answer an unjust complaint, was ordered to pay damages. This is a rule in the house of lords, that a lord complaining of a breach of privilege, if it proves to be frivolous, pays the fees of the officers of the house, and the costs.

CHAP.
III.
1641.

The following very extraordinary order of the same date proves that the house of commons at this period took upon them to determine causes:

“It is ordered, that witnesses in causes depending, or to be depending in this house*, shall be sworn at the bar of the house of lords before they are examined.”

On the 30th of July a very extraordinary representation was made by the lords and commons for the stay or detention of sixteen thousand men destined to be sent into Spain for that king's service.

* The house of commons.

CHAP.

III.

1641.

The same day a committee of five were ordered to meet in the house of the great antiquarian, sir James Ware, to draw up a letter to the lord keeper of England touching the privileges of the house.

On the 7th of August a cause is set down, and the determination noted in the case of Henry Talbot Plunkett, plaintiff, and Nicholas Patty and Anne his wife, defendants, in the same form that causes are entered in the house of lords; but this mode of proceeding seems to be peculiar to this session; nor is it to be traced in antecedent or in subsequent periods.

On this day an order was made, that the sum of two hundred and fifty-eight pounds should be raised upon the Scotch inhabitants of the six escheated counties, in lieu of fees to the clerk, Mr. Fernly, for the famous bill for the naturalization of the Scotch who were born before the accession of James the first, in lord Strafford's administration.

On

On this day the house adjourned to the ninth of November as before mentioned: the intervening time was remarkable for the breaking out of the Irish rebellion.

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1641.

SECTION V.

THE journals of the house of commons, after the Irish rebellion, were defective till the year one thousand seven hundred and sixty-four: the records of their proceedings from one thousand six hundred and forty-one to one thousand six hundred and forty-seven, were discovered by the industry of sir Hercules Langrishe; and a manuscript which contained them was bought from Mr. Dugan, an upholsterer, in Bride-street, Dublin, who had them from Mrs. Kelly, widow of a clerk to sir Stephen Rice, chief baron in the reign of James the second. For this manuscript, by a resolution of the house, she was rewarded with a grant of two hundred pounds. By this discovery the Irish were more fortunate than the English parliament in the completion of

CHAP. their parliamentary journals, from the fol-
 III. lowing curious circumstance :

1641.

In searching for precedents about impeachments soon after the revolution, a committee in the lords traced the journals to the beginning of the reign of Henry the seventh. This part of the lords' journals in England has since been lost; and they now begin with the first year of his successor. The earl of Marchmont, who, in one thousand seven hundred and seventy-seven-eight, with other lords, formed a committee for the revival and printing of the parliamentary records and journals, was aware of this circumstance, and offered a reward in the public prints for the discovery of the journals of that reign, but without success.

The house met, pursuant to the last adjournment, the 16th of November one thousand six hundred and forty-one. Great doubts seem to have been entertained by the lords justices, Parsons and Borlace, about the continuance of parliament after the rebellion ;

lion; and they consulted with some leading members about the prorogation; but it seems it was against the inclination of the lords justices that the parliament was continued; and it appears to have been continued by the joint desire and order of the two houses; which appears from the singular entry on the following day: "Mr. Patrick D'Arcy gave his opinion, that either the four courts, or St. Patrick's church, was a proper place for meeting; but the convocation room in the latter, he conceived to be a better place; and Mr. Nicholas Plunkett said, that as the lords justices did not think fit to continue parliament, that he wished the lords would appoint a proper place;" after which a declaration of the house was drawn for the continuance of parliament, without either adjournment or prorogation; which was formed into a joint act of both houses. This act contained their declaration of their abhorrence of the rebellion, and of their resolution to arm against it. The same day an ordinance was passed for levying forces in the several counties. The commons then expelled

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1641.

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1641.

pelled sir Phelim O'Neile, Mr. Maguire, and Mr. O'Reilly, who had engaged in the rebellion. This day the lords sent the usher of the black rod to desire their attendance, when the parliament was prorogued to the 11th of January by a commission of the lords; on which day they met afterwards at the Tholsel, which is thus entered in the journals: "Apud le Tholsel, " 11th Januarie one thousand six hundred " and forty-two."

This circumstance, with the lords justices' difficulties of continuing parliament, the power given to the lords to appoint time and place for their meeting, and the want of their usual accommodation in Dublin Castle, is a presumptive proof of a very curious historical fact; namely, that the executive power was afraid that parliament should meet at the Castle in their usual place, as there were supposed to be many rebels among them; and also, that the Irish followed the example of the English parliament at this time, and continued themselves,

in their own manner, by their own assumed authority.

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III.

1642.

After having written a letter, subscribed by the president, to the speaker of the commons of England relative to James and Philip Watson, two aldermen who had absconded for a debt due to the recorder of Dublin, desiring they might be apprehended, the house adjourned itself to the 21st of June one thousand six hundred and forty-two; on which day, upon the petition of the lord-chancellor Bolton and the chief justice Lowther, it was declared that they would desert or drop this prosecution; and a message to that effect was sent to the lords. After the restoration several matters affecting their honour were expunged from the journals*.

On

* This prosecution, and the case of the chancellor sir Charles Porter in 1695, who was impeached upon the motion of colonel Ponsonby, (the ancestor of lord Besborough,) are the only instances of impeachments in the records of the Irish parliament.

The

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III.

1642.

On the same day all the members were enjoined to take the oath of supremacy during the continuance of the present, and in future parliaments, and a committee was ordered to draw up a bill to that effect, to be presented to the government in the usual form; which order was approved next day by the house of lords.

On the 22d of June forty members were expelled as rebels: this had reduced the number of attending members so low, that, on an important question about a message to the lords relative to the impeachment of the bishop of Derry and sir George Rad-

The desire of the commons to examine several lords upon oath gave rise to some free conferences and long disputes between the two houses in 1695; but the former did not carry their point. This was rather an irregular proceeding, as the articles never were presented at the lords' bar. Previous to examining witnesses on the articles, the lord chancellor was admitted to be heard in the house, where he spoke behind a chair within the bar; after which, what he said was voted satisfactory by 121 to 77, and the articles were dismissed.

cliffe,

cliffe, they divided only eighteen for, to twelve against the message. On the 6th and on the 9th of August following six members, who absented themselves after an order for their attendance, were expelled, and writs issued in their room.

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III.
1642.

The house continued sitting till the 16th of August one thousand six hundred and forty-two. Several orders were made during this time, for voluntary contributions, for the sufferers who were pillaged by the rebels; and a report was made from the lords justices by sir James Ware, to recommend the distress of the university to parliament, and to apply the rents of absent bishops for its support: the house then adjourned to the 16th of November one thousand six hundred and forty-two.

On the 17th of November a bill was passed to declare the validity of the present parliament; and another, that the session should not determine by the royal assent to any particular act. The reason of which mode

CHAP. mode of proceeding has been explained in
 III. a former part of this work.

1642.

On the 13th of December the following extraordinary entry proves that in this, as well as in the preceding session, the house of commons had decided causes upon petitions; "That those who had petitioned the house, might commence their suits in other courts."

On the 20th of April one thousand six hundred and forty-three, to which day the house had been prorogued*, a message came from the lords to inform them, that the earl of Kildare had petitioned the lords against two commoners, sir George Wentworth and George Carr esq. for arrears of rent; that they could not proceed on account of privilege, and desiring that the earl might be left to the ordinary course of law. The answer was very extraordinary: "that they had entered into the merits of the

* The entry of the prorogation is as follows:—
 "Memorandum, That the parliament is prorogued until the 20th day of April next, which will be in the year 1643."

"cause,

“ cause, and found that the earl’s interest
 “ was but in trust.”

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 III.

1643-

The house farther desired that the scruple in the said petition, viz. (*given to the said earl by act of parliament in England*) might be amended; supposing that it might be a precedent that English acts of parliament are binding in Ireland. (Probably this alluded to some estate in trust to lord Kildare by a private act in England.)

Though orders had been made against the multiplicity of protections, I find this curious question the 18th of December one thousand six hundred and forty-three.

Upon reading the petition of John Carlton, it was put to the question, whether Henry King, protected by colonel Audley Mervyn, may be sued: which was carried in the negative by twenty-five besides the teller, to twenty-two besides the teller. This circumstance proves the paucity of the attendance at this time; and the circumstance

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stance of there being but two instead of four tellers is extraordinary. In the house of lords the tellers always reckon themselves first; so that if one member should divide against the whole house, it would be entered, the contents were one, the not contents forty; whereas in the commons it would be entered nought, which has sometimes a whimsical appearance on the journals, and is an arithmetical absurdity*.

The

* The mode of dividing the house of commons is so well known, that it would be superfluous to dwell upon that subject; but questions arise, upon who are to go into the lobby? which are prevented in the house of lords, by the general rule, that the contents in all cases must go below the bar.

In Ireland this rule is observed only in the house: when the lords are in a committee, the present practice is, to divide to the right and the left as in the commons.

The method in counting the lords upon a division is, that the teller reckons himself in the first instance, and then the lords are told, beginning at the front row of the earl's bench, and afterwards the bishops; and thus all the lords in the house are counted. The tellers

The house was then prorogued, in the same form as was before mentioned; to the 17th of February one thousand six hundred and forty-four; on which day a strong remon-

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1643.

lers ask the president which way he chooses to be told; if with the not contents, he is numbered with the last of them; if with the contents below the bar, he is told first on that side; and the teller, after counting himself, reckons the lords as they go through the bar. This matter has been thus minutely detailed, because it is plain that there can be no casting voice, as in the house of commons; where the speaker never votes except where the voices are equal. Hence the order in putting the question in appeals and writs of error is derived, "that this decree or judgment be reversed;" for if the votes should be equal, the sentence of the court below stands good, and it can only be reversed by a majority.

In the French national assembly, who probably have derived all their orders and customs, and the greater part of their constitution, from the Congress and the United States of America, the method of putting the question is, "Que ceux qui sont pour ce decret, veulent bien s'élever; que ceux qui sont contraires, &c. veulent bien s'élever." After which the president announces, "that the national assembly decrees according as the majority has decided."

CHAP. remonstrance was made to the lord lieutenant, the marquis of Ormond, on the impropriety of the speaker's being counsel in the Castle Chamber against sir Arthur Loftus, a member of parliament, and desiring the council to dispense with their order for his attendance.

III.

1644.

On the 9th of April one thousand six hundred and forty-four Philip Lord Lisle

If there should be a doubt, which seldom happens, as majorities there in general are very decisive, if the assembly do not agree in their president's declaration, any member has a right to insist upon the *appel nominal*; of which the following is the ceremony:—One of the four secretaries (who are all members appointed by a ballot once a fortnight with the president) reads the list of the members, and every one present gives his suffrage *visa voce*; and the clerk having inserted them in lists *pro* and *con*, declares the majority; which proceeding generally occupies above two hours, and it has been found to be very inconvenient.

The *appel nominal* seldom happens; and the author recollects to have seen only two instances during a close attendance of near seven months, in 1791, upon the national assembly.

and

and colonel Crawford were expelled for being absent without leave, and writs were issued in their room. Lord Lisle seems to have been an English peer: this therefore is a curious instance of an uncommon combination of characters, of an English peer, and an Irish commoner. Another instance of this combination in the Irish parliament, was the case of the earl of Rochford: he had been brought in by the duke of Ormond for Kilkenny in one thousand seven hundred and seven; upon his father's death he became an English peer; but he sat on for near four years afterwards till one thousand seven hundred and eleven, as appears in the list of the members, as earl of Rochford*.

CHAP.
III.

1644.

The house met after an adjournment in the afternoon, and it was ordered to be called over at seven o'clock the next morning;

* From 1613 lists of the members precede the journals of every new parliament. *Commons Journals*, vol. iii. p. 822.

CHAP. on which day the impeachment against sir
 III. George Radcliffe was deserted or dropped
 1644. upon his petition, and a message to that effect sent to the lords.

On the 12th of April one thousand six hundred and forty-four a message from the lords was delivered with a book, which was left for the consideration of the house. This involves a very important and curious circumstance :—The book was relative to the manner in which English acts of parliament came to be obligatory in Ireland. This was deemed a work of such importance, that it was ordered by the lords and commons to be answered by some leading members of the long robe. This treatise and the answer, it is said, are the same which have been since printed in Harris's Hibernica.

A message was sent to the lord lieutenant by sir Paul Davis. This gentleman was secretary of state, and acted as minister during the government of the duke of Ormond. The reason of this great office being rendered

rendered a sinecure, shall be mentioned in its place. CHAP.
III.

1646.

The parliament was continued by short prorogations from this time to the 7th of November one thousand six hundred and forty-six; during this period I do not find any thing worthy of notice. Orders upon breaches of privileges, against protections, which appear to have increased very considerably; representations of the distresses of the country, and complaints for non-payment of rents, which must be the necessary consequence of such distracted periods, form the principal part of the journals. During these sessions there were parliamentary agents in England, most probably attendant upon the king, who still, through the marquis of Ormond, preserved his influence in the Irish nation. Since the appointment of that illustrious nobleman to the lieutenancy in one thousand six hundred and forty-three, matters in parliament assumed a more tranquil and orderly aspect, than under the weak government of the lords justices, Parsons and Borlace.

C H A P.
III.

1646.

Perhaps the only particular which deserves to be mentioned in the last session is, that the speaker and the whole house were ordered to represent to the lord lieutenant the hardship of billeting soldiers upon members of parliament. This circumstance of ceasing and billeting soldiers in Dublin was, after the restoration, the cause of a long complaint against the duke of Ormond from lord Meath. It was pushed forward by his grace's enemies with great violence in the English council; and possibly this and similar inconveniencies induced government to take the wise step of building barracks in the capital, and throughout the whole kingdom.

The parliament, which met on the 26th of March one thousand six hundred and forty-seven, continued sitting by adjournment till the 15th of June one thousand six hundred and forty-eight. In this session the commons sat seventy days; many of which they only met to adjourn. The journals of this period are irregular and confused, and very few particulars are worthy of notice.

On

On the first day, upon the petition of William Roberts, Ulster king of arms, a committee was appointed to regulate his fees. CHAP.
III.
1647.

And on the 3d of May one thousand six hundred and forty-seven a committee was appointed to consider of the grievance of billeting soldiers upon members contrary to the privileges of parliament; and a declaration on this subject was drawn up and sent to lord Lambert, the governor of the city of Dublin, by the speaker.

On the 11th of May one thousand six hundred and forty-seven the lords sent to remind the commons of a petition presented by doctor Chappell *, bishop of Cork, five years before, on which nothing had been done: the house, taking the former declaration of the college into consideration, requested them not to proceed until they had in-

* Provost of the university of Dublin, against whom a complaint had been made to the lords for his conduct in that capacity. See above, p. 46.

CHAP. quired of the fellows about its situation; and
 III. a committee was appointed accordingly.

1647.

On the 31st of May one thousand six hundred and forty-seven, the lords and commons ordered a joint committee to compliment the commissioners from the English parliament. The decline of the king's affairs was the occasion of this commission at this time, and of their favourable reception also; but the conduct of the marquis of Ormond against the rebels was, notwithstanding this deputation, according to sir Robert Southwell, approved of by the English parliament.

On the same day a very honourable testimony of the approbation of the speaker, sir Maurice Eustace, was entered on the journals upon the report of a long prorogation; and on the subsequent day a joint committee of lords and commons agreed, that both houses, with their speakers, should go in great solemnity to thank the marquis of Ormond, the lord lieutenant, for his noble conduct and favour to them both. The
 parlia-

parliament was then prorogued to the 15th of June one thousand six hundred and forty-eight. CHAP.
III.
1648.

On which day it adjourned itself till the 27th of March following, and there were no more parliaments held in Ireland till the restoration: though under Cromwell, they sent members to that parliament at Westminster in which the three kingdoms were incorporated, and of which I shall give a list in the Appendix.

SECTION VI.

AFTER an interval of thirteen years the parliament met in Ireland soon after the restoration. They were summoned under the lords justices, the earls of Orrery and Mountrath, and sir Maurice Eustace the chancellor. Sir Audly Mervyn was chosen speaker in the usual forms, and made a speech of a very uncommon length, filled with Latin quotations and texts of Scripture.

CHAP.

III.

1648.

tura. They assembled for the first time at Chichester House; on which site the present house of parliament is built. The castle was in early times a fortress; and therefore parliament could no longer be accommodated there on account of the rebellion. This, perhaps, first induced their removal to the Tholsel, as was before mentioned, in one thousand six hundred and forty-one, and afterwards to Chichester House. The number of the members of the house of commons were two hundred and seventy-six*: some of these were representatives for corporations, which had been lately created; but no boroughs of this description have been erected in Ireland since the Revolution.

The house of commons met on the 18th of May one thousand six hundred and sixty-one; on the 11th of May the speaker's speech was ordered to be printed and pub-

* In one thousand six hundred and ninety-two they were increased to their present number of three hundred. Vide Commons Journals, p. 565.

lished,

lished, and the reverend Mr. Vesey, afterwards archbishop of Tuam, was appointed chaplain: which was the first appointment of that sort that appears in the journals*. On the 13th all those who sat on the trial of Charles the first, and their children, except colonel Thomas Scott, who had been instrumental in the restoration, were declared by a resolution to be incapable of being members in this parliament.

CHAP.
III.

1661.

On the 15th a bill for a recognition of his majesty's title was passed, and an application was made to the lord chancellor for a commission, under the great seal, to administer the oath of supremacy to the members according to the act of the second of Elizabeth in Ireland, and of the third of James in England. This adoption of an English act seems to be an extraordinary proceeding, but the oaths are now established by an Irish law since the year one thousand seven hundred and eighty.

* Common Journals, p. 599.

On

CHAP.

III.

{

1661.

On the 16th an address was voted to his majesty for his gracious declaration relative to the settlement of Ireland on the 9th of November one thousand six hundred and sixty.

On the 18th of May a very extraordinary order was made, that the king's and the chancellor's speech in the English parliament should be printed, and that Mr. Bathurst, a member, should furnish the printer with copies.

The same day the master of the rolls, sir John Temple, was ordered to return thanks to the lords justices for the communication of the intended alliance with Portugal: the guns were ordered to be fired, and the lord mayor was desired to cause bonfires to be made upon this occasion.

And on the 21st his son, Mr. William Temple, reported an instrument expressive of their joy upon his majesty's intended match. This I have particularly noted, because

cause it was the political *debut* of a great character, and the first appearance upon the public stage of that ornament and perpetual benefactor of his country, the best and most virtuous, as well as the wisest and most accomplished man of the age in which he lived, the great minister and philosopher, sir William Temple.

CHAP.
III.
1661.

On the 22d of May the lords, during this session, at their particular desire, released three masters in Chancery from their attendance, who were returned members of the house of commons.

On the 25th a committee was appointed for drawing up the act of settlement; and on the 27th Mr. William Temple carried up three bills to the lords, one for confirmation, another for the continuance of judicial proceedings, and a third, that the session should not determine by the royal assent to any act of parliament; and lastly, the unanimous address of both houses for his majesty's intention about the act of settlement.

CHAP. tlement. I have, in another part of this
 III. work, explained the reason of this last bill,
 1661. and the opinion about the termination of
 parliament; but it is rather extraordinary
 that it should be prevalent so late as the Re-
 storation.

It was ordered on the 28th of May, that
 all protections which were not registered by
 the clerk within ten days from this date
 should be void.

On the 30th of May the commissioners
 appointed for carrying into execution his
 majesty's declaration for the settlement of
 Ireland were ordered to lay their orders and
 instructions before the house; the drawing up
 of the act, and the care of this order, were
 committed to sir John Ponsonby.

On the 31st of May the vice chancellor
 and provost were ordered and empowered
 to cause the library of archbishop Usher,
 which had been bought by Cromwell, to be
 conveyed from the castle and deposited in the
 university for public use, and to take a ca-
 talogue

talogue of this noble collection, to be entered in the journals of the house, which Cromwell had bought on the archbishop's death in one thousand six hundred and fifty-six *.

CHAP.
III.
1661.

* It is supposed that Cromwell gave a very high price for the library of primate Usher, whose learning and piety he valued and esteemed, though his attachment to the royal cause was so notorious; and it is asserted by one (though it is controverted by another) of his biographers, that the archbishop had a pension from the Usurper. *Life of Usher*, p. 74.

This collection, of about ten thousand volumes, was the foundation of the university library, for which the present noble and commodious room was built by parliamentary bounty in 1709, and more completely furnished in 1717; on which account members of parliament are admitted upon taking a strict oath. This library, it is said, is not kept up by a supply of modern books, for which no fund has been provided.

A collection of very valuable parliamentary books, in an office adjoining the house of lords, may hereafter deserve consideration, as little is wanting to render it a complete parliamentary library.

A public library has lately been founded at Armagh, in which the extensiveness of admission, and the mode of preserving the books, are well worthy of attention. This was erected by the bounty of the present primate, whose benefactions to learning and to the community will entitle him to the genuine praise of posterity.

CHAP.

III.

1661.

On the 15th of June a committee was appointed to consider in what way the trade of the kingdom might be most effectually advanced; and among those committees were the respectable names of sir William Petty and sir William Temple.

On the 17th it was ordered, that all members who were absent in England, except four, who had leave of absence, should appear in the house within six weeks, or writs should issue for new elections in their room.

On the 18th it was referred to a committee to consider in what manner parliamentary commissioners might be sent to England to attend his majesty about the act of settlement. This was a wise and judicious measure to prevent private solicitations and partial applications from individuals.

On the same day the lords sent to inform them of their design to expunge all matters affecting the memory of lord Strafford, the present primate, (who had been impeached when bishop of Derry,) the chancellor Bolton, and sir George Ratcliffe.

On

On the 19th of June the committee reported their opinion, that commissioners should be sent into England from both houses; and a message was sent to the lords accordingly. CHAP.
III.
1661.

On the 20th of June a committee was appointed to consider of such laws before the tenth year of Henry the seventh (at which time all the antecedent English laws were adopted by one of sir Edward Poyning's laws) as had been repealed; what laws passed since that time in England were fit to be adopted in Ireland; and also about those laws which were under consideration in the last parliament, and had not passed. This committee had full powers, and were to meet at the Tholsel: from which circumstance, and other passages in the journals, and also from a conference with the lords, which was appointed to be held at the old custom house, which was built at the restoration, I cannot help conjecturing that the following were the places of meeting of the Irish parliament in Dublin*.

From

* By the statute of 33d of Henry VIII. c. 1. session the second, it appears that parliament was adjourned

From the parliament of the eleventh of
Elizabeth till the year one thousand six hundred

from Dublin to Limerick. The first session of that year was in the former, the second in the latter place. And an old law, the date of which is not cited, nor is it now to be found on the code, enjoining the convocation of parliament at Dublin or Drogheda only, was then repealed. *Irish Statutes*, vol. i. p. 205.

The following is an accurate table of all the cities or towns where the Irish parliament have met, according to the Statute book :

	Parliament.
In the reign of Edward II.	one — in Kilkenny.
of Henry VI.	six — Dublin,
	one — Trim,
	two — Drogheda,
	one — Naas.
of Edward IV.	five — Dublin,
	one — Trim,
	one — Drogheda,
	one — Naas.
of Henry VII.	two — Dublin,
	one — Drogheda,
	one — Castledermot,
of Henry VIII.	six — Dublin,
	one — Limerick.
of Philip and Mary	one Dublin, adjourned to Limerick.

This

dred and forty-one, they met in the castle of Dublin. On the 16th of November one thousand six hundred and forty-one, the lords justices, Parsons and Borlace, were not only averse to the assembling and continuance of parliament, but to their meeting in the castle, on account of the number of members who were in rebellion. The parliament, however, having continued themselves, a conference was held upon this resolution, and also upon their place of meeting; the decision of which was left to the lords, who chose the Tholsel; where they sat till the year one thousand six hundred and forty-eight. At the restoration they removed to the mansion of the

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1661.

This was the last parliament which was held from the capital: since the reign of Elizabeth all subsequent parliaments have been convened in Dublin: and they were held in early times in different places, probably to give, as occasion should require, a local predominance to the English government and laws: those which were held in the villages of Naas and Castledermot were possibly to suit the convenience of the earls of Kildare, who were then lord deputies, to whom those places belonged.

H 2

Done-

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CHAP. Donegall family ; but as the accommoda-
 III. tion probably was not ample, for some time
 1661. they were reduced to the necessity of making use of the Tholsel, which had been fitted up for their predecessors, the last parliament, in one thousand six hundred and forty-one, for committees.

I remember to have heard from a clerk of the house of lords, Mr. Hawker, that Chichester House was very inconvenient, and so it was reported to have been by a committee in queen Anne's reign. Whether these minute details may be pleasing to many readers, I cannot tell ; I cannot help, however, lamenting, that a map of the disposition of the apartments and grounds of Chichester House, which, about twenty years ago, was hung up in the house of commons' coffee-house, was unaccountably lost. But whatever was their antient accommodation, the present parliament house is perhaps the most convenient and magnificent building in Europe ; and it must be highly pleasing and satisfactory to the admirers
 of


of taste and Palladian architecture, that the late conflagration extended no farther than the chamber where the commons assembled.

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1664

On the same day sir William Temple reported the message delivered to the lords relative to sending commissioners to England. The agreement of the lords was notified on the 26th of June, who announced their design of sending four commissioners.

On the 27th Mr. Whalley reported from the committee of trade the great detriment of enhancing the value of coin, and recommending, that the late proclamation relative thereto should be recalled; and accordingly a joint vote and address from the lords and commons was presented to the lords justices.

On the 29th of June it was reported from the committee of trade, that the restraint of transporting wool into England was a great injury to commerce; and three acts of parliament which related to this subject were also reported, namely, the thir-

CHAP. ^{III.}  ^{1661.}teenth of Henry the eighth, chapter the second; the twenty-eighth of Henry the eighth, chapter the seventeenth; and the thirteenth of Elizabeth, chapter the first: upon which the solicitor, sir John Temple, informed them, that a bill for repealing the said statutes was under consideration of the lords justices and council.

The solicitor and Mr. Whalley were then ordered to repair to the committee of the council to know how far this bill, for the encouragement of the exporting of wool and other native commodities, extended; and lastly, to take into their consideration whether the wool of Ireland exceeded the demands of the manufacture; the injury to the king's customs, and to the nation, if there should be any farther restraint; and they deputed a committee to wait upon the lords justices, with sir William Temple at their head, to desire that freedom and liberty might be given to all persons to export wool to England. On the same day two instructions were given to the intended
commis-

commissioners: to endeavour to keep the king's declaration of the 30th of November inviolable; and to request of his majesty, that he would not permit any private person to appear before him, to solicit any public affair, without the consent of the Irish parliament.

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On the 3d of July the following eight persons were chosen commissioners by ballot:

Sir Audley Mervyn,	Sir Theophilus Jones,
Sir Henry Titchburn,	Sir William Petty,
Sir Arthur Forbes,	Sir John Skeffington,
Colonel Trevor,	Sir William Temple.

And on the 5th Sir William Temple was sent to the lords to desire their concurrence in the instruction to the commissioners, and also for raising money for them.

On the 8th of July Mr. Whalley reported the sense of the committee of trade, that an act lately made in England for the encouragement

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1661.

agement of shipping and navigation would be of great service in Ireland; and it was referred to them to draw up an act accordingly.

The act of navigation in one thousand six hundred and fifty-one, as it appears in Scobell's collection during the republic, comprehended England, Scotland, and Ireland, or the whole empire, excepting three islands in the West Indies, which would not acknowledge the government of the commonwealth: after the restoration it was renewed and narrowed to the shipping of England alone, which gave rise to this proposition in the Irish parliament.

On the 12th of July, the house being called over, the members of the several counties, beginning with Antrim, answered for raising the sum of one hundred pounds each, being three thousand three hundred pounds, for the use of the commissioners.

On the 16th of July an order was made for expunging such matters as reflected on

lord Strafford and the chancellor Bolton's memory; and also upon the bishop of Derry, then primate, (agreeable to an antecedent message from the lords,) from the journals; and a vote for granting two thousand pounds to the bishop of Raphoe, out of the money to be raised for the agents in England, for his services in the rebellion in one thousand six hundred and forty-one.

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1661.

On the 17th of July an order, which was made before the rebellion, in favour of the clerk, Mr. Fernly, for raising two hundred and fifty pounds upon four counties, on account of a bill naturalizing the *antient* Scotch in one thousand six hundred and thirty-four, was renewed. This was in lieu of fees for this comprehensive act; the intervening disturbances having prevented the execution of the order. About this time the house was occupied about an intended plot to take the castle of Dublin by surprize, for which Mr. Cahan and others were committed.

The

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1661.

The rest of the session was occupied in conferences about the instructions and provisions for the commissioners; the money, amounting to twelve thousand pounds, was raised by bill upon the lords' proposition: and on the 30th of July sir William Temple carried up the instructions to the lords, and desired a free conference; informing them at the same time, that the commissioners from the lords should have double to what was given to their own commissioners. These instructions received the lords' concurrence, and the parliament was prorogued on the 30th of July one thousand six hundred and sixty-one; during which day the house had two long sittings. The house of commons, in this important session, sat seventy-one days, from the 8th of May to the 30th of July one thousand six hundred and sixty-one.

SECTION VII.

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III.

1691.

THE parliament assembled according to prorogation on the 6th of September one thousand six hundred and sixty-one; and the speaker, sir Audley Mervyn, being a commissioner in England, the house chose sir John Temple, the solicitor general, as deputy speaker, till his return. A message was sent to notify this to the lords justices; and on the same day he was presented at the bar of the house of lords, made a short speech, and was approved by the lords justices.

This is the solitary instance of a deputy speaker in the Irish Journals; and when I went through the Journals of the commons of England, I remember to have seen only one instance of a similar proceeding in one thousand six hundred and fifty-eight, during the protectorate of Richard Cromwell*: that it should not be constantly provided for, and that the house might not, according to the

* The case of Long, speaker *pro tempore*, vice Mr. Chute. *English Commons Journals*, vol. vii. p. 612.

CHAP. convenience of parliament, supply his place
 III. upon any occasional illness, has often sur-
 1661. prized me; and the more so, as there is generally a commission to the chief justice, or some other peer, to supply the chancellor's place in the lords; or if that should be wanting, the house of lords can appoint any one of their members to be speaker till he shall be superseded by a royal commission; of which I remember an instance, upon the death of the chancellor Bowes, when the chief justice, lord Annally, was chosen speaker by the house, and sat on the wool-sack till he was superseded by the appointment of lord Lifford the late chancellor.

"The session only lasted four days, to the 15th of September; during which time a letter was sent, requesting information from the commissioners in England; and two bills were passed, viz. a bill for the continuance of parliament, notwithstanding the royal assent to any bill, and also for the speedy raising of money for his majesty's service. This circumstance proves, that these last bills were

were agreed to before-hand in the English and Irish councils, and that propositions for laws from parliament, (or heads of bills, as they were called till one thousand seven hundred and eighty,) were not in general practice at this period.

CHAP.
HI.
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SECTION VIII.

THE parliament was prorogued to the 10th of October, and afterwards to the 6th of November one thousand six hundred and sixty-one; during which short sessions the commons sat six days, to the 11th of December.

On the first day a committee was appointed to draw up a letter to congratulate the duke of Ormond on his appointment to the lieutenancy. I have elsewhere taken notice of a similar proceeding in the house of lords. The letter was signed by the speaker. Similar compliments were paid in one thousand seven hundred and three, and in one thousand seven

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seven hundred and eleven, to the last duke of Ormond, upon his appointment. This method of congratulation by letter seems to have been a particular compliment to the duke's character, and to his descendants. Never sure was a compliment better bestowed: among those ordinary, fulsome, and indiscriminate sacrifices at the altar of power, posterity will look with delight upon this genuine compliment, arrayed in the bright garb of truth, addressed to a real patriot, and dedicated to one of the most virtuous and accomplished men which that, or, perhaps, any other country, has produced.

On the 7th of November a message was sent from the lords by their clerk; for which mode of conveyance their lordships apologized from the pressure of time and necessity, and the designs of the Irish Papists; and some letters were sent from the lords justices by sir Paul Davis, principal secretary of state, relative thereto. The plot seems to have existed at this time only in imagination, or in the idle words of some fanatic

natic enthusiasts. The principal secretary of state appears to have acted, during all this reign, as the minister in the house of commons, as no question he ought always to do, according to the original design of his office; but this office was rendered a sinecure in a very extraordinary and unaccountable manner. Sir Robert Southwell had been invested with it after the revolution, and had obtained a grant for life. This grant was extended to his son William, and afterwards to his grandson Edward Southwell esq. who died in one thousand seven hundred and fifty-five; upon which Mr. Tisdall held it, with the office of attorney general; and a reversion of it was granted in his life to Mr. Hutchinson, provost of the university, the present possessor. Sir Robert Southwell, who was president of the Royal Society*, lived constantly in England; and the office becoming a sinecure, I find, on the 15th of

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* The first president of the Royal Society was viscount Brouncker of the kingdom of Ireland. Sir R. Southwell was succeeded in 1702 by Sir Isaac Newton.

CHAP. III. October one thousand six hundred and ninety-two, that Mr. Pulteney, one of the private secretaries to lord Sydney, presented the revenue papers, &c. to the house; since which time the principal *private* secretary of the lord lieutenant has acted as minister; it would be most desirable, that this, with other great offices, should no longer be pensions or sinecures, but revert to their original design and destination.

On the 9th sir John Temple was sent to the lords to desire a conference, relative to an application for the usurper's coin to be current for a year, and also for a mint to be erected in Ireland.

On the 11th of November sir John Temple delivered a message from the lords justices, that early that morning, having considered the sickness of the earl of Mountrath, (one of their body, who died the 18th day of this month,) they thought it convenient and necessary to prorogue the parliament, which was accordingly done the same day.

When

When the duke of Portland succeeded the earl of Carlisle in the middle of the session in one thousand seven hundred and eighty-one, it was then said, that the parliament should necessarily be prorogued from this event; that the crown lawyers had debated the question in council, and had grounded some opinions upon this precedent of lord Mountrath. This report I cannot authenticate; but the parliament was continued, and the public convenience not interrupted; nor could I ever see any grounds for opinions which were then adopted by some in conversation: for in one thousand six hundred and thirty-nine the earl of Strafford continued the parliament, which began under the government of lord deputy Wandesford; and when lord Capel died in the government in one thousand six hundred and ninety-five, it appears from the lords' journals, that the session continued under the chancellor, sir Charles Porter, who was elected lord justice by the council, under an act of Henry VIII. in Ireland.

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The parliament met for the sixth time in one thousand six hundred and six-one for only two days, on the 21st and 22d of January. An answer was received from the duke of Ormond to this letter in the last session, and his majesty's answers to the instructions of the parliamentary commissioners were entered in the journals.

On the 22d the parliament was farther prorogued; a committee was appointed to wait upon the lords justices to request that a bill might be sent to England to take away the wards and liveries, and for settling on his majesty, in lieu thereof, the customs and excise, as they were granted by the English parliament. These were unhappily granted afterwards in perpetuity; and they form the principal part of the hereditary revenue in Ireland; nearly half the aggregate revenue of which, it is but too well known, is granted for ever. The parliament was farther prorogued to the 4th of March, to the 21st of March, and from thence to the 17th of April one thousand six hundred and sixty-two, when they

they met under the chancellor Eustace and lord Orrery, before the arrival of the duke of Ormond.

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SECTION IX.

*Proceedings in the House of Commons in
1662 and 1663.*

WHEN we consider that the parliament was occupied with the settlement and arrangement of the whole property of the kingdom, when we reflect upon the variety of claims of jarring and discordant interests, we shall not be surprized that parliament sat, without interruption, from the 15th of April one thousand six hundred and sixty-two, to the 17th of April one thousand six hundred and sixty-three. The labour they must have undergone will appear astonishing, from the following accurate statement:—
The house of commons sat two hundred and eight days in that period, which is nearly five days in the week for a year; and

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1662.

twenty days they sat in the morning and afternoon. It was a custom in early times to meet at eight o'clock in the morning; and if there was much business before them, to adjourn for an hour or two at twelve o'clock, or thereabouts, for dinner, to the afternoon; at which time committee business was usually transacted. This was also the early practice in the English parliament, as is evident not only from the journals of the two houses, but also from the parliamentary debates and parliamentary history; and possibly this was a more convenient practice than the custom which necessity has introduced of members adjourning individually, if I may use the expression, and retiring for refreshment, when the business had become tedious and uninteresting, or when dinner invited a temporary secession.

The arrangement of that voluminous law, the act of settlement, which takes up one hundred pages and more of the statute book, may be considered as the proceedings upon private bills; as every clause in it adjusts

justs the property of different individuals. CHAP.
 The transactions of this session have a great III.
 sameness and monotony, and even to those 1662.
 who take the trouble and pains of an accurate and attentive survey, very few particulars are worthy of preserving which can serve as useful examples to posterity; among them some may be selected, and the following passages will not, it is hoped, be considered by those who may favour this abridgement with their perusal as unworthy of their attention:

The parliament met on the 15th of April one thousand six hundred and sixty-two; but it was not opened with a speech and in the usual form by the lords justices.

On the first of May the speaker, sir Audley Mervyn, reassumed the chair, after an absence of nine months, as a parliamentary commissioner. He was congratulated upon his arrival; a very handsome testimony of his merit was entered in the journals; and the deputy speaker, sir John Temple, was thanked for his services also, and compen-

CHAP. fated with a grant of five hundred pounds.
III.

1662. A letter of thanks was read from the duke of Ormond for the grant of thirty thousand pounds; and the secretary of state, sir Paul Davis, informed them of his majesty's gracious acceptance of this grant for the duke.

On the 12th of May a committee was appointed to inspect the laws in England for the relief of the poor, and for binding children apprentices; which order was particularly recommended to Mr. Whalley, the chairman of the board of trade: but notwithstanding this, there is no regular provision for the poor in Ireland at this day; they still subsist by voluntary contributions; and upon them, and their own work, even the house of industry in Dublin, which was erected in one thousand seven hundred and seventy-four-five, depends. The building of houses of industry in every county would be an admirable institution for the poor in that country, and counteract the national indolence of the people. The extreme poverty and numerous diseases observable

servable among the lower classes in Ireland are principally to be ascribed to the excessive use of spirituous liquors, and the notorious shameful neglect, in this instance, of the general welfare.

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On the 19th of May sir William Domville, the attorney general, desired the permission of the house to bring *quo warranto's* against certain boroughs that sent members without being duly qualified, on the part of the king, which was granted.

On the 27th of May three orders were made, which, however laudable, are, it is to be feared, seldom observed; the first, that a member coming into the house upon a division, who had not heard the debate, should not vote; secondly, that no person should solicit any member to remain, or go out of the house upon a division; and lastly, to adopt some rule to prevent writs for elections being given to private persons. This last custom is often complained of in England; and one party or the other often gain an advantage by obtaining the writ, and

CHAP. delivering it to the returning officer, as it
 III. suits their own convenience.

1662.

On the 4th of June sir William Temple reported the desire of the lords at a conference, for the speedy raising the thirty thousand pounds for the duke of Ormond. As this money was to be raised by a poll bill, wherein the lords assessed themselves, the act was productive of long and frequent conferences.

On the 10th of June a motion was made for settling five hundred pounds per annum out of the forfeited lands, on the primate Bramhall, for his loyalty and sufferings, which was agreed to.

This motion gave rise to a proposition from sir Paul Davies, the secretary of state, which reflects the highest honour upon his memory, and upon the assembly which patronized the solitary remnant of exalted merit; and this was a proposal to settle five hundred pounds per annum upon lady Tyrrell, the only daughter of the late primate archbishop Usher.

The entry in the journals upon this grant, the 27th of June one thousand six hundred and sixty-two, paints, in the most eloquent and lively manner, their feelings upon this occasion; his distressed and forlorn condition during the rebellion; his loyalty and his sufferings; his poverty and personal wants; the invitations he received from neighbouring princes to take refuge among them, which he had declined from a zeal for religion, and an attachment to his country*.

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The name of Usher will ever live in the records of Fame and the annals of Literature; nor was there ever a donation more merited: to him and to his uncle Ireland owes the original establishment of the university †; and hence alone he must be considered as an

* After the primate had been deprived of his rents, and reduced to the greatest distress by the rebellion, the university of Leyden offered him the place of professor of divinity, and cardinal Richelieu a large pension, and an asylum in France. *PARR'S Life of Primate USHER*, p. 47.

† See above, p. 52. and p. 59.

eternal

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eternal benefactor. Such was the conduct of the Athenian people to the daughters of Aristides, who were provided for at the public expence ; of whom the Grecian orator has related, that their father bequeathed them no other portions than the grateful recollection of his virtues.

On the 4th of July, in an afternoon sitting, an account was given of twenty thousand pounds, and its distribution among the commissioners ; and on the 8th Sir John Ponsonby, member for the county of Kilkenny, reported the precedents of wages for members since one thousand six hundred and thirty-four ; by which it appeared that there was a considerable abatement in the rate of those allowances. This was the last Irish parliament in which wages were allowed ; for in the next session, the 12th of March one thousand six hundred and sixty-five, I find an order, that many inconveniencies arose from their collection ; that no warrants should issue for any due since the 27th of September one thousand
fix

fix hundred and fixty-two, or that fhall be due hereafter during this feffion of parliament. This was therefore the laft time that they were allowed in Ireland; what time they terminated in England is uncertain; but it is faid, that the celebrated Andrew Marvell, member at this period for Hull, was the laft member who received wages from his conftituents.

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1662.

On the 9th of July a very extraordinary queftion arofe about preventing the publication of their debates in an Englifh newfpaper, called the Intelligencer; and a letter was written from the fpeaker to fir Edward Nicholas, the Englifh fecretary of ftate, to prevent thefe publications, and, as they term them, mifrepresentations. Thefe publications in thofe diurnals (as they call them) fhew how much the attention of the public was engaged in the proceedings of the Irifh parliament about the act of fettlement.

The London Gazette commenced the 7th of November one thoufand fix hundred and fixty-

CHAP. sixty-five; it was called first the Oxford Gazette, from its being printed there, during the session of parliament in the time of the last plague in London *. Antecedent to this period Sir Roger l'Estrange published the first daily newspaper in England, called the Intelligencer; in which it appears from hence that the Irish debates were inserted. The English parliament always punished publications of this sort in former times; in the Post Boy, and even in Boyer's Political State, &c.; but upon an attempt to revive those restrictions in one thousand seven hundred and seventy-three, the printers gained a complete victory over administration in both kingdoms. The transaction was rendered more remarkable by a political event. A popular orator, it is said, opposed admini-

* A collection of the Gazettes, from the first number of November the 7th, 1655, which I have seen, was bought by the earl of Beſborough at lord Oxford's sale. This paper was always published by authority; but common articles of intelligence are more abundant in the early numbers than at present, and it had originally more the appearance of an ordinary newspaper.

nistration for the first time on this occasion; and though he had been a warm friend to the ministry till that period in all the unpopular measures of the Middlesex election, &c. &c., he now appeared in the opposition, and remained a violent adversary to lord North till the famous coalition in one thousand seven hundred and eighty-three.

C H A P.
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1662.

On the 19th of July sir Paul Davies reported an answer from the lords justices to a remonstrance about soldiers levying quit rents and other taxes; and that they had issued a proclamation to put a stop to this practice. At the close of this answer they allege the smallness of the king's revenue, the obstruction of members pleading privilege, and granting protections against the collection of the taxes.

This seems to have given much offence. The secretary was desired to request of them to specify the instances of such irregularities; and the debate upon these questions was adjourned till Monday. It does not seem to have been a rule then, as it was
after-

CHAP. afterwards in both houses, that privilege was
III. not to be allowed against the king. Upon
1662. a debate on the 26th of July this subject
occasioned a long remonstrance.

The house was informed on the 28th, that the duke of Ormond had landed at Howth, and they adjourned to the next day, when a deputation of eight members were sent to know when they might attend him with their speaker; and his grace appointed next morning at eleven o'clock for their reception in the presence chamber; when the speaker made a congratulatory speech, which was answered by the lord lieutenant. The parliament was continued under him, though it had commenced under the lords justices; and he gave the following day the royal assent to ten acts of parliament. On the 7th of August leave of absence for a fortnight was given to sir William Temple; and the next day a long debate took place about abolishing the court of wards, and substituting a tax of two shillings annually upon all hearths in Ireland
for

for ever; according to a similar tax in Eng-
land, which was agreed to unanimously.
The tax upon hearths in England was abo-
lished at the Revolution.

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1662.

Lord Offory being summoned to the lords by writ, took leave of the house in a very handsome speech; and the house, taking into consideration the precedent of Walter earl of Ormond before mentioned in one thousand six hundred and fifteen *, accompanied and presented him at the bar of the lords.

On the 14th of August sir Timothy Tyrrel, returned for the borough of Fore, not having appeared in the house since the beginning of the session, a writ was issued for a new election.

On the 30th of August sir William Temple reported a conference from the lords; and the same day the university was excepted from the hearth-money tax.

* Vol. i. p. 173.

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Sir William Temple on the 12th of September informed the house, that as colonel Trevor was created viscount Dungannon; according to ancient precedent, as well as a recent example, the house should accompany him to the bar of the lords. This custom, according to the opinion of the chancellor West, in his admirable treatise upon this subject, seems to be a remnant of what was the ancient practice; namely, that of making peers with the consent of parliament.

On the 23d of September sir William Temple reported the result of a conference, in which the lords waved their former opinion, that the clergy could not be taxed without their own consent in convocation: they, however, recommended an exemption of the inferior clergy in the bill for raising thirty thousand pounds for the sole use of the duke of Ormond; which was complied with. The difficulties of assessing and levying this sum for the lord lieutenant must affect those with surprize who remember with what facility larger
sums

sums have been raised, and greater donations bestowed in our own days.

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Sir William Temple, on the 26th of September, reported a proposition from a conference relative to a clause to be inserted in the act of settlement about the payment of the officers fees in both houses. This clause enjoined, that every person concerned should pay for any proviso, as for a single private bill; but as there were difficulties in adjusting fees where so many were concerned, not only in the bill, but perhaps in one single clause, it was left to the lord lieutenant and council, to adjust their different proportions afterwards, with the advice of the two houses of parliament. As this proposition, which was delivered by sir William Temple, and inserted in the act of settlement, gave rise to a practice eventually of the greatest constitutional importance, in the following short detail I hope it will be excused if I should speak of myself, since if ever egotism be allowable

VOL. II.

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it

CHAP. it is when it serves to clear up the origin of
 III.
 { an extraordinary custom, or to verify its
 1662. commencement.

A practice had prevailed for near a century in the house of commons of Ireland, of tacking private grants to the bill of supply, or money bill, as it was emphatically called: this evidently deprived the king and the lords of their distinct negative, it being a maxim that a money bill could not be altered after it passed the house of commons; if there were fifty grants to private persons connected with it, though many of them should be objectionable, there was no other alternative left than to accept them, or throw out the general bill of supply; a proposition which it is sufficient barely to name, to prove the absurdity and almost impossibility of such a rejection, since upon this bill the whole establishment, the pay of the army, &c. &c. depended.

In the year one thousand seven hundred and eighty-three a string of very strong resolutions

resolutions were moved by lord Carysfort, CHAP. III. 1662.
condemning this unconstitutional practice,
which were adopted with such effect by the
lords, that every private grant has ever since
come up from the commons in distinct separate bills.

In collecting materials to enable me to support lord Carysfort's resolutions, chance and good fortune led me to discover the origin of this practice, which was from the aforesaid proposition of sir William Temple, and the consequent clause in the act of settlement.

For, notwithstanding the order and an address of the house in one thousand six hundred and sixty-five, notwithstanding the loss of his practice as a lawyer, and the justness of his claim from the parties concerned in the act of settlement, the speaker, sir Audley Mervyn, never received the fees which were so justly due. After the Revolution his heirs petitioned parliament, which applied to government without effect:

CHAP. at length, the house considering that the na-
 III. tion was indebted to him six thousand
 1662. pounds for his immense labour, and that it
 was a debt which in honour they were
 bound to make good to his representatives,
 they annexed it to the bill of supply, in a
 clause at the end of it, in one thousand six
 hundred and ninety-seven, and his heirs re-
 ceived it, as was intended by parliament.

This was the first instance of a private
 grant being annexed to a bill of supply: the
 next instance originated in the first parlia-
 ment of Queen Anne, when the lords ordered
 Mr. Rickefis to pay fees for a clause, con-
 taining a grant of money to him, as for a
 private bill; but in the reign of George the
 first, notwithstanding occasional opposition
 from the lords, this mode grew into a pre-
 vailing practice; and at last grants to the
 amount of fourscore thousand pounds were
 tacked to the money bill. This custom was
 effectually counteracted in one thousand
 seven hundred and eighty-three; and the
 two other branches of the legislature, the

crown and the lords, were restored to their undoubted right, of a distinct affirmative or negative upon every parliamentary grant and proposition.

CHAP.
III.

1663.

The house adjourned for near six weeks at Christmas, from the 20th of December to the 3d of February; from thence to the middle of March they were occupied in quieting possessions of lands, &c. and forming instructions for the court of claims. These instructions, delivered in a speech by the speaker to the lord lieutenant, take up upwards of twenty folio pages in the journals: this speech produced a long message from him, and a longer answer; and the house do not appear at this time to have been pleased with his grace's conduct about the settlement of the kingdom.

On the 12th of March Mr. Boughton, a member, wrote to the speaker, informing him, that as his affairs might keep him longer in England than his original inten-

CHAP. tion, he requested that a writ for a new
III. election should issue in his room, which was
1663. granted accordingly.

On the 14th of April a very honourable testimony was entered of the conduct of the speaker; and an address was presented to the duke of Ormond for a compensation for his services, in consideration of his great losses in his practice as a lawyer: and on the following day a prorogation put a period to the longest and the most laborious session in the records of the Irish parliament.

SECTION X.

AFTER a recess of two years and four months, from the 21st of May one thousand six hundred and sixty-three, to the 26th of October one thousand six hundred and sixty-five, during which time there were thirty-four prorogations, parliament met on the latter day. The session concluded by a dissolution on the 7th of August

August one thousand six hundred and sixty-
 fix ; and the commons sat, with few inter-
 vening adjournments, for one hundred and
 forty-four days in the course of ten months.

CHAP.
 III.

1665.

As the last session was occupied with the act of settlement, so this was occupied in arranging the different claims in that voluminous act, the act of explanation, which comprehends one hundred and thirty-five pages of the statute book ; in explaining doubts and questions which had arisen upon the act of settlement, and in proceedings for a farther arrangement of the landed property of Ireland.

Of the proceedings of a session employed in passing so many private bills, (for as such the clauses of this act of explanation may be considered, as well as those of the act of settlement,) few particulars deserve to be noticed, or can serve as examples to posterity ; but some may not be thought unworthy of notice as precedents, which have had an influence in succeeding ages.

CHAP.

III.

1665.

The session did not commence in the present form with a speech from the throne, but the house immediately fell into a consideration and debate about a plot for seizing the castle. This had been hatched by colonel Blood and his associates, so notorious afterwards for his intended assassination of the duke of Ormond in the Haymarket in one thousand six hundred and seventy; for his attempt to steal the crown; for the shameful use that was made of him by the duke's inveterate enemies, by the profligate adversaries of every wise and virtuous man in the court of the second Charles; as well as for that monarch's absurd pardon and unwarrantable clemency.

On the 27th of October the house was called over, and some absentees were fined. Mr. Shapcote, Mr. Staples, Mr. Buxton, Mr. Warren, Mr. Scott, Mr. Chambers, and Mr. Boyd, were afterwards expelled by a declaration of the house, for being conspirators in the above plot.

On

On the 30th of October several precedents were cited respecting the exercise of the right of the house to issue writs in the room of absentees; and the examples of sir Barnaby Bryan, on the 4th of November one thousand six hundred and thirty-four, which was the first precedent in the journals; of sir Henry Tichborne, the 26th of November one thousand six hundred and thirty-four; of Arthur Chichester esq. Philip lord Lisle, and Lawrence Crawford esq. in one thousand six hundred and forty-four, which have been already mentioned, were produced; and writs were issued in the room of sir Anthony Morgan, of Mr. Ross, Mr. Davis, and of Mr. Burton, who were absent without leave.

CHAP.
III.

1663.

On the 18th of November application was made to the lord lieutenant for a disabling bill against the expelled members, and to disqualify them from any office, civil or military. They had been previously declared incapable of ever being re-elected to parliament, and were left to the ordinary course of law.

On

CHAP.

III.

1665.

On the 4th of December the lords defired a conference, relative to a cause in which lord Conway and the bishop of Down were concerned, against Moses Hill esq. a commoner. This was the beginning of those conferences upon this case, which involved the most frivolous questions about idle formalities, and produced that memorable and fatal dispute, which ended in the dissolution of parliament in one thousand six hundred and sixty-six, and the interruption of parliament for five-and-twenty years, till they assembled in one thousand six hundred and ninety-two, after the Revolution.

A writ was issued this day for Naas in the room of Mr. Wentworth, who was then in England, and who had signified to his friends that he could not return soon to Ireland.

On the 12th of December sir George Lane informed the house, that the duke of Ormond had received letters from lord Arlington,

lington, the secretary of state in England, CHAP.
 respecting the preparations of the king of III.
 France for war; an extract of which was 1666.
 produced in the house. This seems to be
 the first communication of this kind which
 appears in the Irish journals. It was re-
 ceived with warm acknowledgments. A
 committee was deputed to thank his grace
 the lord lieutenant, and to present an una-
 nymous declaration of the house, to assist
 his majesty with their lives and fortunes;
 and expressing, that they had taken into
 consideration the granting of eight en-
 tire subsidies from the temporality of the
 kingdom. The bill for this extraordinary
 supply was then read a first time, and a
 second time on the following day.

Eighty-four members were fined ten
 pounds each for absence when the house
 was called over the third time on the 31st
 of January one thousand six hundred and
 sixty-six.

This is mentioned here, not only to re-
 mark the numerous absentees at this period;
 among

CHAP.

III.

1666.

among whom were, sir John Temple, the master of the rolls; his son sir John Temple, the solicitor general; sir William Petty; and other distinguished members; but also to note, that sir William Temple, who had been so very leading and useful a member in the last, is not once mentioned, and was probably absent during the whole of this session; and it seems the more extraordinary, as he is not enumerated among those who were fined as absentees. The only solution I can give of this difficulty is, that his splendid diplomatic career began about this time; and probably the Irish parliament adopted a rule which was laid down in the British senate on a memorable occasion, and proceeded upon a principle which was there most elegantly and justly expressed in a debate respecting the absence of some ambassadors, that *qui reipublicæ causa abest, non abest*.

On the 9th of March one thousand six hundred and sixty-six, in a committee on the bill for farming the hearth-money; and in a report agreed to by the house,

it

it was resolved, that the farming of this revenue would not conduce to his majesty's service. This is the more remarkable as the whole of the Irish revenue was afterwards farmed, first to lord Ranelagh, and then to sir James Shaen, contrary to the resolution of parliament. But as this was a most important measure, the instrument scarce, and much depended upon it; and as the revenue was turned out of its usual course, the great Treasury offices being thereby rendered sinecures, (from which state some of them, as the lord high treasurer and vice treasurers*, never returned to their original destination, contrary to an act of the tenth of Henry the seventh, chapter the first,) I shall give a copy of this lease or grant in the Appendix.

CHAP.
III.

1666.

On the 19th of March a committee was appointed to wait upon the lord lieutenant, relative to a meeting which had been proposed with a committee of the privy council, relative to the management of the hearth-money tax, and the framing

* Vol. i. p. 387.

of

CHAP. of a bill for that purpose. This species of
 III. conference seems to have been a novel pro-
 1666. ceeding, from the difficulty of adjusting the
 ceremonial of their meeting; and several
 difficulties seemed to have been purposely
 thrown in the way, it having been princi-
 pally intended for the purpose of proposing
 some clauses in an act of parliament. The
 council at this time framed bills altogether,
 and a negative alone on them, and their se-
 veral provisos, was left to parliament; only
 a general proposition for a bill, by way of
 address to the lord lieutenant and council,
 came from parliament; nor was it till after
 the Revolution, it is said, that heads of bills
 were presented: these last, in fact, re-
 sembled acts of parliament, or bills, with
 only the small difference of "We pray that
 "it may be enacted," instead of "Be it
 "enacted." The present form of bills in
 Ireland since one thousand seven hundred
 and eighty is, under the chief baron Yelver-
 ton's law, the same as in England.

On the 6th of April the house considered
 of the most effectual method of preserving
 trees;

FROM A.D. 1634, TO A.D. 1666.

143.

trees, and the great waste and decay of timber in the country.

CHAP.
III.
1666.

On the 12th of April a proposition was made for a conference, to propose a joint application from the two houses to the lord lieutenant, that he would have a bill framed and transmitted to England according to Poyning's law, for taking away all privileges, except freedom from arrests, from members of either house for their servants or attendants; and to propose that their persons should be always free: the bill to last for two years, if parliament should continue so long. A law to this effect took place in England so late as the year one thousand seven hundred and seventy-one, and was adopted the next session in Ireland. In a most admirable speech of lord Mansfield's upon this bill, he asserted, that this was restoring privilege to its original design. Freedom from arrests was always allowed during the sitting of parliament, and forty days before and forty days after; but freedom from law-suits was an
exten-

CHAP.
III.

1666.

extension or excreſcence of this privilege, and originated from the ſpeaker, in the reign of Charles the firſt, writing to the judges of aſſize at York, to ſtay proceſs againſt certain members of parliament.

The place of meeting at this conference was the old Custom-houſe. This odd circumſtance proves how very ill they were accommodated at Chicheſter Houſe; and from a paſſage in the journals in one thouſand fix hundred and ſixty-two, there is ſome reaſon to think that that manſion was applied to other purpoſes beſide their accommodation, and that parliament were not the ſole occupiers. This bill about privileges was ſent to the lords on the 11th of July, though it does not appear upon the ſtatute book; perhaps it was only a temporary act, or poſſibly it was rejected in the houſe of lords.

On the 30th of July an addreſs was voted in favour of the ſpeaker, ſir Audley Mervyn, ſtating his great merit, his labo-
rious

fious attendance, and the consequent loss of his legal practice, as prime serjeant; and praying, that six thousand pounds might be issued to him from the Treasury, which they pledged themselves to make good. This desire was not complied with; and it was the cause of the first *tack*, or private grant in a money bill, in one thousand six hundred and ninety-seven, as before mentioned, the parliament justly considering themselves as bound in honour, to make it good to his representatives.

CHAP.
III.
1666.

On the 31st of July a long account was entered in the journals, of the disposition of twenty-three thousand three hundred pounds, which was for the whole expences of the acts of settlement and explanation, the parliamentary commissioners, &c. &c. and had been raised by a poll on the several counties in the kingdom.

On the same day a committee was appointed to wait upon the lord lieutenant for

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L

three

CHAP. three important bills to be prepared by the
 III.
 1666. council, and transmitted to England according to the form of Poyning's law.

The first, for an equality of weights and measures throughout Ireland.

The second, for encouraging the herring fishery in the harbour of Dublin.

And the third, for repairing and improving the port of Dublin, at the charge of any private person who would undertake it.

But the termination of the session superseded those bills.

And on the same day a committee of twenty-two were named to reply to a paper from the lord lieutenant, containing an address from the lords about the violation of their privileges at a conference. The duke of Ormond had personally endeavoured to reconcile the two houses, and to moderate those disputes which had arisen about the most trivial and frivolous forms and insignificant

nificant ceremonies, of being covered or uncovered, sitting or standing, at a conference; he had laboured to persuade them of the absurdity of the dispute, and to settle those forms from his own long parliamentary experience of between thirty and forty years in the parliaments of England and Ireland, but all to no purpose.

CHAP.
III.

1666.

Upon the 6th of August it was resolved, that in regard to the poverty of the kingdom, the members should freely remit all wages due in consequence of former orders; and thus ended these allowances in Ireland, which are not to be traced after the Revolution.

I shall reserve for a separate chapter a short account of conferences, which form a principal article in the proceedings of the Irish parliament from the commencement of the journals till the year one thousand seven hundred and thirty-seven, when the two houses conferred for the last time. A great part of the journals of this session was

CHAP.
III.

1666.

occupied with those frivolous and uninteresting disputes, which at last rose so high that parliament was dissolved, after the royal assent had been given to eight bills by the lord lieutenant in person. How much to be lamented was that idle dispute, which not only caused a dissolution, but was one cause also, of parliament not meeting for twenty-five years, till the year one thousand six hundred and ninety-two, after the Revolution !

The great business of the parliaments which were held in Ireland in the reign of Charles the second, was the appropriation of all the forfeited lands, which form the far greater part of the Irish territory.

In consequence of this appropriation, an actual survey was made by the surveyor general, sir William Petty, of which a general rental was formed, which was deposited in the auditor general's office, and
other

other public offices in Ireland; this rental **CHAP.**
is called the *Down Survey* *. **III.**

1666.

All these forfeited lands are subjected by the act of settlement to quitrents, which may be considered as a species of land-tax, of about fivepence in the pound; the total of which, in one thousand seven hundred and eighty-eight, amounted to about £. 64,158 †.

Many disputes and claims about these quitrents were silenced, and questions about certain lands being subjected to them were annulled, by a quieting act in one thousand seven hundred and eighty-four; by which, if it should be proved that no quitrents had been

* The best copy of the *Down Survey* which I have seen is in the valuable library of the earl of Essex at Cashioberry, whose ancestor was lord lieutenant in 1677, to whom sir William Temple addressed his valuable letter upon the improvement of the trade of Ireland.

† Public Accounts of Ireland for 1788, No. 1. Under this head also were comprehended Crown and Composition Rents.

L 3

paid

CHAP.

III.

1666.

paid for twenty years before the claim was made, upon a petition to the Court of Exchequer, stating this and their agreement to pay the growing quitrent, or that which shall become due in future, the lands are to be liberated from arrears.

Maps were also delineated of every county in Ireland according to the Down Survey from sir William Petty's observations*: some copies of these maps were deposited in the

* Sir William Petty's state of Ireland was very accurate and satisfactory; and it is to be lamented that that great master of political arithmetic did not propose a system for the progressive enumeration of the people. This system prevails in the United States of America, and also, it is said, in China. A bill for establishing annual returns by a parochial census, was introduced in 1754 by Mr. Potter, son of the learned archbishop; but it did not pass: a copy of the bill which I have seen in the parliament office contained an admirable plan for those returns from the different parishes and counties in England. Various statements have prevailed of the population of Ireland, which are still conjectural; but from some late extensive and ingenious enquiries of Mr. Bushe, the population of Ireland may be stated at three millions and an half, with a reasonable approximation to truth.

public

public offices in Ireland, and others were sent to England.

CHAP.
III.

1666.

Among the latter, a copy which was shipped for England, was taken by a French privateer, and carried into France about the latter end of the last, or the beginning of this century; and some time afterwards they were deposited, with a description of their importance in the hand-writing of cardinal Dubois, in a great literary collection.

The copy of this survey was discovered, it is said, by the industry of colonel Valancy before the late Revolution. The liberality of the French government enabled him to take a copy, and to complete the maps of three counties, or more, which were wanting: this collection, with the note of the French minister in his autograph, I remember to have seen about six years ago in the king's library at Paris.

C H A P. IV,

Of the principal Speakers in the Irish Parliament from 1613 to 1666;—Characters of Sir John Davis, Primate Usher, the Duke of Ormond, Primate Bramhall, Sir James Ware, Sir Audley Mervyn, Mr. Whalley, Sir John Temple, Lord Massereene, the Earl of Roscommon, Sir William Petty, and Sir William Temple.

CHAP.
IV.
1613.

SIR John Davis, who had been chosen a member in one thousand six hundred and one, in the last English parliament of Elizabeth, and who appears in D'Ewes's Journals to have been a very active and useful, as well as a strenuous opposer of the courtly doctrines of monopolies, was appointed solicitor general in Ireland in one thousand six hundred and three, and soon after attorney general, where he was employed in settling the province of Ulster, after it had been reduced to the king's obedience; a work which was considered as the

the most laudable measure of the reign of king James the first.

CHAP.
IV.
1613.

He was member for the county of Fermanagh, when it first sent representatives to parliament, and was chosen speaker, after a close division and violent opposition from sir John Everard, in thousand six hundred and thirteen. The speech which he delivered upon his presentation is, perhaps, the most comprehensive that was ever pronounced; since in a short space, he has left us one of the best accounts of the parliaments which were held in Ireland before that period.

His discovery of the true causes why Ireland was never subdued, is a rich mine of useful information. As a poet, he was admired by cotemporary wits, and posterity has confirmed their approbation. As a lawyer, he has left us a valuable book of Reports, which is said to be the only regular collection of this sort upon practical jurisprudence in Ireland,

When

CHAP.

IV.

1616.

When we consider the many volumes of this species in England, when we reflect that few or no reports exist of causes in the Irish courts, when even the cases of controverted elections are not reported in Ireland, when it is believed that there are only some detached memorandums of legal processes to be found, principally in the chief baron Gilbert's Reports, we must be a little surpris'd at the difference of the two countries in this respect, and impute it to its true reason, that few men will be found to write for fame, and many for pecuniary compensation, and to the want of a law for the protection of literary property in Ireland.

Sir John Davis, having left Ireland in one thousand six hundred and sixteen, was elected for Newcastle upon Tyne, where, in the parliament which met four years afterwards, he appears in the parliamentary debates as a warm advocate for Ireland; contending strongly against the oracle of the law sir Edward Coke, that England could not make laws to bind Ireland without her own consent,

sent, and opposing a law for the prohibition of the importation of Irish cattle, with great ability.

CHAP.
IV.

1616.

He had been designed for chief justice of England before his death in one thousand six hundred and twenty-six: and it is not a little to his credit that he does not appear to have acquired any landed property in Ireland, from his great employments.

That polite and amiable nobleman the late earl of Huntingdon, whose friendship and conversation I am happy to recollect, informed me of this last, with many other particulars. The heiress of sir John Davis married into that family; and though that truly noble lord could boast of a princely lineage, he was ever pleased with reckoning sir John Davis amongst his illustrious ancestors.

In the sessions of one thousand six hundred and thirty-four and one thousand six hundred and forty the great primate arch-

CHAP.
IV.

1634-

archbishop Usher appears to have been a useful member of the house of lords. At the close of the last year he retired to England, where he lived till one thousand six hundred and fifty-six; and though by the friendship of Selden he had obtained the place of lecturer at Lincoln's Inn; though the Usurper, who could not approve his political principles, admired his learning and genuine piety; though foreign princes had offered him an asylum; yet from necessity he was obliged to sell his library to Cromwell, and suffered the greatest distress from the sequestration of his episcopal revenues. After the Restoration parliament settled five hundred pounds per annum, and entailed it upon his daughter; a donation which reflects the greatest honour upon that assembly, and was worthy of the Roman senate in the purest days of the Republic.

One of the most active members of the house of lords, was the bishop of Derry; so remarkable for his attachment to lord Strafford, and for his impeachment. After
the

the Restoration he was advanced to the primacy, and appointed speaker of that assembly by patent, as the chancellor sir Maurice Eustace was one of the lords justices.

CHAP.
IV.

1634.

The duke of Ormond, if we may believe his own testimony, was not a very ready or fluent speaker, though, perhaps, second only to sir William Temple as an epistolary writer; but he appears to have been an able debater, greatly skilled in what is called parliamentary craft; of this he gave eminent proofs in the perplexed debate upon the impeachment of sir George Radcliffe, lord Strafford's confidential secretary. The debate was rendered confused, and the proceedings in a great measure abortive by his management; from hence, according to sir Robert Southwell, originated the great favour of the king, and of his unfortunate favourite. This was not the most honourable nor creditable part of his character; but when the early mist which obscured the morning of his life was dispersed, he shone forth with uncommon splendor as a civil, military, and political

CHAP.
IV.

1634.

political character: zealously attached to his prince, but more strongly attached to his country, he appears to have adopted the maxim of Vespasian,

Imperium malis artibus quæsitum, bonis exercuit.

From the session of one thousand six hundred and thirty-four to one thousand six hundred and sixty-six Sir James Ware represented the university of Dublin; nor could any man be more qualified for such a situation, if the knowledge of the polite scholar and of the deep antiquarian be qualifications.

Captain Mervyn was a very active and useful member in the parliaments which preceded, and were subsequent to the Irish rebellion. After the Restoration he quitted the sword for the gown, and became a lawyer; he was prime serjeant when he was elected speaker, and was sent a commissioner to England; and although amazingly verbose and pedantic, he appears to have been
a man

a man of great ability. His services were so eminent that parliament compensated his merit, and his losses in his practice, by a posthumous donation of six thousand pounds to his children after the Revolution, in one thousand six hundred and ninety-seven.

CHAP.
IV.

1661.

Mr. Whalley, who had been advocate general in Cromwell's army, appears to have been a most active member of parliament after the Restoration. His services were considerable as chairman of the committee of trade; and he was strongly recommended from the Irish, to the Scotch, parliament for some arrears that were due to him in the civil wars.

Sir John Temple, the master of the rolls, was very eminent in the house of commons from one thousand six hundred and forty, to the end of the parliaments held in the reign of the second Charles; and though very inferior to his son as a writer, he appears to have been

“ A faithful painter, of the ills he saw.”

The

CHAP.

IV.

1661. The most eminent members of the house of lords after the Restoration, were lord Massareene and the earl of Roscommon: both of them may be considered as useful members of parliament, particularly the first, who seems to have been the most able speaker in that house. Under the name of sir John Clotworthy he was very forward in the impeachment of lord Strafford; and his activity and merit are conspicuous in Rushworth's collections.

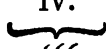
The latter, is better known as a poet than as a politician, though he does not appear to have been altogether inactive in parliament. As a writer, his merit is universally acknowledged; he was the first who proposed the scheme of an academy to fix the standard of our language; which Swift revived afterwards in an address to lord Oxford; and he is regarded by Johnson, as an eminent benefactor to English literature.

Sir William Petty, who was the son of a clothier in Wiltshire, went over as physician

cian to the army which had been raised under the parliamentary standard in Ireland: he was afterwards a member for Eastlooe, in Richard Cromwell's parliament, and was returned for the borough of Ennistiogue in the Irish parliament after the Restoration, in which he appears to have been a very useful and active member. His knowledge of calculations, so demonstrated by his *Traacts upon Political Arithmetick*, placed him at the head of the court of claims, where he was enabled to raise the vast fortune of fifteen thousand pounds *per annum*: a prodigious sum in those days from this slender commencement*.

Sir William Temple was elected, together with his father, a representative for the county of Carlow in one thousand six hundred and sixty-one; he was then about thirty years of age. According to his own

* The honourable John Fitzmaurice, brother of the earl of Kerry, married the grand-daughter and heiress of Sir William Petty, whence the present marquis of Lansdown has derived his vast property.

CHAP. account, his loyalty, his principles, and at-
 IV.  attachment to the constitution, would not al-
 1666. low him to enter upon the scene of public
 affairs before that period.

For three generations the Temple family were in the most important public stations in Ireland. William Temple the grandfather had been the first provost of the university of Dublin ; sir John Temple his father was master of the rolls from the year one thousand six hundred and thirty-nine, and a member of the house of commons ; and his second son, the solicitor general, sir John Temple, was for a session deputy speaker, which was the only instance of such a designation, as has been already mentioned, that occurs in the annals of the Irish parliament*.

Sir

* The following is an authentic account of the descendants of sir John Temple, and of the distribution of the property of the family :

Sir John Temple, master of the rolls in Ireland in 1639, left two sons ; sir William Temple baronet, and
 sir

Sir William Temple attended parliament only in the sessions from one thousand six hundred and sixty-one to one thousand six hundred and sixty-three: he was appointed envoy to the bishop of Munster in September one thousand six hundred and sixty-five, previous to the meeting, and did not appear in his place during that last session; nor did he return again to Ireland till lord Essex's administration in one thousand six hundred and seventy-seven, when he wrote

CHAP.
IV.

1666.

Mr John Temple knight, solicitor general and deputy speaker of the house of commons in 1661, during the absence of the speaker Mr Audley Mervyn as a parliamentary commissioner in England. The latter settled in England in the year 1685, and was father to the first, and great grandfather to the present lord Palmerston.

Sir William Temple's son, who was a victim of political despair in his father's life-time soon after the Revolution, left two daughters; the elder was married to her cousin Mr. Temple, and the younger to Mr. Bacon of Suffolk: in the issue of the latter, the greater part of Sir William Temple's property has been vested, and they are supposed to be possessed of some valuable papers of their great ancestors.

CHAP. the letter to his Excellency upon the ad-
 IV. vancement of the trade of Ireland.

1666.

During those sessions, when the act of settlement was depending, he was the principal and most active member of the house; every circumstance relative to this incomparable man has been minutely observed, traced with pleasure, and recorded with delight in the foregoing observations. His first motion was for an address relative to the royal union with a daughter of Portugal; and in the propositions for the arrangement of the property of Ireland under the act of settlement, the principal part fell to sir William Temple.

His services as a parliamentary commissioner in England were such, that parliament voted him an extra reward, besides what he had in common with his colleagues; and upon his return from England in one thousand six hundred and sixty-two, he resumed his wonted activity and useful exertions in parliament; but he seems to

have had early views and schemes to engage in a more extensive sphere, and in that brilliant diplomatic career which he afterwards pursued, and for which no man was ever more qualified, from the universality of his learning and the elegance of his accomplishments. He wrote with the greatest facility in Latin and French; and a few of his dispatches are in Spanish, which, I remember to have heard from a very intelligent Spaniard*, were not correct; but to write
with

* Colonel de Miranda. This gentleman, a native of Mexico, is one of the most extensive and enlightened travellers which the present, or perhaps any period can boast; and it is with peculiar delight and satisfaction that the author recollects the information he has received from his friendship and conversation. Colonel de Miranda spent near ten years in travelling through the whole continent of America, and in every part of Europe, particularly in Russia and Turkey. He has made the most valuable observations and collections in every country he has visited, which he has arranged, with a rare and classical style, and a happy combination of ancient and modern learning.

The empress of Russia, with that discernment and liberal protection of science which will immortalize

CHAP. with tolerable intelligence in that language,
 IV. must be admitted to be a rare and uncommon talent.
 1666.

It was the great abilities he displayed as a man of business in the Irish parliament, (for, however excellent his compositions are, there are no proofs of his being an eloquent speaker either in the Irish or the British senate,) that recommended him to the patronage of the duke of Ormond; and it was the peculiar eulogium of that illustrious nobleman, to have selected two such characters as sir Robert Southwell and sir William Temple for foreign embassies, which were then filled in a very different manner from what we have lately seen; witness the cotemporary designations of those great characters to Holland and to Portugal, (of which

the name of the second Catherine, has distinguished this extraordinary man by her favour and protection, and seemed desirous to have induced him to settle in Russia, as one whose knowledge and ability, whenever or wherever they shall be displayed, must be a signal and valuable acquisition to any country.

countries

countries both of them have written the best accounts *,) of lord Hollis at Paris, and of Mr. Godolphin, afterwards lord treasurer, in Spain.

CHAP.
IV.

1666.

His friendship with the duke of Ormond was uniform and constant through all the changes of fortune. "I confess," says sir William Temple in his first letter to his Grace, "I am extremely pleased with any testimony of your favour and recollection of me, which I must account to be the best, as I must ever consider them as the first of my good fortunes; nor shall I be ever so much pleased with any lucky hit that may happen to me in public employments, from any other respect, than from some occasion to testify the gratitude and resentment of kindness shewn to me, when I was idle and unknown."

To dwell upon a character and upon a career which was so brilliant and so well

* Sir Robert Southwell's History of the Revolutions of Portugal to the year 1667.

CHAP. known would be superfluous, though some
 IV. enlargement upon such a subject is almost
 1656. unavoidable.

After his success in his first commission to Van Galen, the warlike bishop of Munster, in one thousand six hundred and sixty-five; after his good fortune in his first embassy, his address in negotiating the triple alliance, where the first principles of the Dutch constitution were superseded by the representation of an over-ruling necessity, which had remained inviolate since the union of Utrecht; after the joy with which he was received by the Dutch deputies upon his second embassy, who told him that his appearance among them at that time was like that of the swallow in spring, the certain harbinger and sure forerunner of fair weather; after the brilliant testimony of his merit from De Wit and from the States; after all those shining qualities and uncommon successes; we cannot help lamenting his fate in his last embassy, and how much he was traversed by Du Crois, a wretched minion,

minion, who was dispatched from the dutchess of Portsmouth's bed-chamber, when the second Charles became the miserable pensioner of Lewis the fourteenth, and was induced to abandon his allies in the treaty of Nimeguen.

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IV.

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As no ambaffador ever kept up the port and dignity of his character * better than fir William Temple, it is ftill more to the dif-
grace

* Of the ftate with which fir William Temple travelled as ambaffador to the congreff of Nimeguen, the following account of his paffing the Pont Volant there, will be found very curious and fatisfactory. Vol. ii. page 342. Oct. Ed.

“ The river of Nimeguen is very rapid in the midft
“ of the ftream which lies near the town, and fpreads
“ very broad upon the other fide to the Betuwe, being
“ upon flat grounds : the firft part of it is paffed by a
“ very large ferry-boat, which held at once my two
“ coaches and fix horfes, one waggon, and my trunks,
“ and eight faddle horfes, and would have received many
“ more. This boat is of a contrivance fo fingular as
“ well as fo commodious, that I have much wondered
“ never to have feen it practifed in any other place ;
“ for the force of the ftream drives the boat acrofs the
“ river

CHAP. grace of that court, that the arrears of his
 IV. appointments were never discharged, and
 1666. that he was no gainer, perhaps a loser, by
 his embassies.

It was his maxim, that the surest rule of
 deception in an ambassador was to speak

“ river without the least pains of the men, being kept
 “ to its course by a strong cable extended from one
 “ side to the other, and fastened to a pulley set up for
 “ that purpose in the boat ; so that no stress of wea-
 “ ther hinders this passage, and the harder the stream
 “ runs, the sooner it is made. Where the river grows
 “ shallow and the current slack, on the Betuwe side, it
 “ is supplied by a bridge of planks for about two hun-
 “ dred paces, which are ill kept, many loose or
 “ shaking, and no defence on the sides. When my
 “ coaches were upon this bridge, the cannon of the
 “ town began to fire, and so continued all the while I
 “ was upon the river ; which was a piece of civility
 “ well understood : but my horses were so unruly with
 “ that noise and the clatter of the planks, that they
 “ were much likelier to have carried me into the river
 “ than into the boat : but when, with the help of my
 “ servants on foot that led them, we got in there, we
 “ were as safe as in a house, and got well away to the
 “ town, where I landed at sir Lionel Jenkins’ house,
 “ and staid there till late in the evening to avoid any
 “ visits or ceremonies that night.”

the

the truth, because men would never believe those ministers to be sincere: a maxim in contradiction to that infamous rule of sir Henry Wootton's, that an ambassador was a man deputed to tell lies for the benefit of his country.

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IV.
1666.

The consequence of his character, and of his sincerity, was so great, that the interests of rival nations and of contending parties were deposited in his hands, as in a sacred asylum of probity and honour; and mankind were charmed with the proof of that well-known but neglected aphorism, "that honesty is the best policy;" contrary to the opinion of those reptiles who too often glide into public employments, by the miserable shifts of cunning and deceit; who place the reputation of wisdom in the accumulation of wealth, and in the exercise of that instinct, which mankind possess in common with the meanest and most contemptible animals.

The retirement of this great man has bequeathed the most invaluable legacy to posterity.

CHAP. posterity. Of the taste and elegance of his
 IV. writings too much can never be said, illu-
 1666. minated as they are by that probity and
 candour which pervade them, and those
 charms which render truth irresistible.

Though other writers may be more the
 objects of imitation to the scholar, yet his
 style is certainly the best adapted to the po-
 litician and the man of fashion : nor would
 such an opinion be given, were it not for an
 anecdote of Swift which I had from the late
 Mr. Sheridan, who told me the Dean al-
 ways recommended him as the best model,
 and had repeatedly said that the style of sir
 William Temple was the easiest, the most
 liberal, and the most brilliant in our lan-
 guage.

When we consider the contempt of
 wealth, the disinterestedness of Temple ;
 when we perceive, that in his whole life, his
 thoughts were ever turned, rather upon how
 much less he wanted, than how much more ;
 when we consider that his promise to Charles
 the

the second, That he would live for the remainder of his days as good a subject as any he had, but would never more engage in public employments, was most religiously kept, even after that Revolution, of which he himself had been a primary cause, by the negociation of the prince's match with Queen Mary; we must recognize that true genuine definition of a man of honour, which may be truly explained, by a scrupulous attachment to professions and engagements.

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In a word, when we consider his probity, his disinterestedness, his contempt of wealth, the genuine beauty of his style, which was as brilliant, as harmonious, and as pure as his life and manners; when we reflect upon the treasures which he has bequeathed by his example and by his works to his country, which no man ever loved better, or esteemed more; we cannot avoid considering sir William Temple as one of the greatest characters which has appeared upon the political stage; and he may be justly classed with

CHAP. with the greatest names of antiquity, and
IV. with the most brilliant characters which
1666. adorn and illustrate the Grecian or Roman annals.

C H A P. V.

Summary of the Work.—Periods of assembling the Irish Parliament.—Conferences.—Public Accounts.—Issuing of Writs.—Proxies.—Of the Orders of the House of Lords.—Comparison of the ancient and modern Sessions.

UPON a review of the early transactions of the Irish parliament, the irregularity of the periods of their meeting, and the frequent and long intervals in the convention of that assembly, are most conspicuous. C H A P.
V.

From the second to the eleventh, and from the thirteenth to the twenty-seventh and twenty-eighth years of the reign of Elizabeth, parliaments were not convened in Ireland.

From thence, to the twelfth and thirteenth years of James the first, and from this last period till the year one thousand six hundred and thirty-four-five, and from that date

CHAP. date till one thousand six hundred and
V. forty, parliaments were not convened: sessions were held till near the king's death in one thousand six hundred and forty-eight; but in the interregnum a parliament for the three kingdoms was held during the protectorate of Oliver Cromwell, of which a list shall be given in the Appendix.

The Irish parliament met after the Restoration, in one thousand six hundred and sixty-one, and sat till one thousand six hundred and sixty-three, with few intervals: they met afterwards in one thousand six hundred and sixty-five, and were dissolved in the following year, on account of a dispute between the two houses at a conference.

From one thousand six hundred and sixty-six a parliament was not held in Ireland till one thousand six hundred and ninety-two; it was soon dissolved by lord Sydney, and did not re-assemble till one thousand six hundred and ninety-five: from thence
they

they were convened twice before one thousand six hundred and ninety-eight; but they did not meet for five years till one thousand seven hundred and three; from hence they have assembled biennially till one thousand seven hundred and eighty-three, when, in consequence of a resolution of the house of lords *, and of the annual grants of the duties, they have been annually convened since that period.

The Irish parliament was usually convened in the summer months in former times; and the long intervals in the sessions must appear very inconvenient and unaccountable.

Even so late as one thousand seven hundred and seventy-nine-eighty they met in

* Lords Journals, die Lunæ, 3d Nov. 1783.—
Resolved, 'That it is the opinion of this house, that in the present situation of this kingdom, it will promote the general utility, and national welfare, contribute to amend, strengthen, and preserve the laws, and to give ample and speedy justice to the subjects of this realm, in his majesty's high court of parliament, if a session of parliament were held every year in this kingdom.

CHAP. October, were prorogued in September, and
V.
sat every month in the year.

Three circumstances conduced to this inconvenience: The first, the adjournment for about three weeks to prepare the public accounts, after parliament had sat for three or four days; the second, the delay in returning the bills; and the third, the want of due regularity in their proceedings.

The first has been corrected by preparing the public accounts before the sessions commenced; the second, by a proper dispatch in the English councils, where bills since one thousand seven hundred and eighty are no longer debated and altered; and the last, by the attention of the present speaker and the following regulation:

The orders of the day were transcribed in the house of commons in one thousand seven hundred and eighty-five, and sent every morning to the house of each member, a regulation which the lords have since
adopted;

adopted ; and in that session, they sat with-
out any holidays (Sundays and the 30th of
January excepted) from Christmas till
Easter ; by which period, it is probable, a
session may in future be limited. These re-
gulations, which are due to the ability of
the present speaker of the house of com-
mons, are improvements in parliamentary
proceedings, even beyond those which have
been adopted in the British parliament.

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CONFERENCES prevailed more in the
Irish than in the British parliament. The
propositions for laws, which went under the
prescriptions of Poyning's act, from either
house to government, had only the weight
and recommendation of one branch of the
legislature ; the weight of a joint recom-
mendation could only be effected by them :
hence the frequency of conferences in the
annals of parliament.

From the year one thousand six hundred
and thirteen, when the Journals of the com-

CHAP. V. mons commenced, till one thousand seven hundred and thirty-seven, many conferences obtained in every session ; but forms, ceremonies, idle etiquettes, and disgraceful altercations, marked their meetings. I have carefully avoided dwelling upon disputes, which amplify and extend the early parliamentary records, — whether they were to sit, or to stand ; to go first, or second ; to be covered, or uncovered ; to stand in one spot, or another, at conferences.

Some controversies of this kind had been composed by the authority of lord Strafford in one thousand six hundred and thirty-four, and the two houses acquiesced in his great knowledge of the forms and proceedings of parliament, as a commoner, and afterwards as a peer in England. But the duke of Ormond was not so fortunate in one thousand six hundred and sixty-six, and a dissolution and the vacation of parliament for above twenty-five years followed a dispute so frivolous, that it is almost impossible to collect such minute altercations, nor would any chronicle

chronicle which contained them deserve in- CHAP.
pection. V.

In the year one thousand seven hundred and sixteen the commons proposed to confer with the lords upon heads of bills, and this friendly correspondence lasted till the year one thousand seven hundred and thirty-seven: the intercourse gave great weight to their joint recommendation, it became a matter of jealousy to government, and it broke off, upon a dispute, artfully created, it is said, by administration. The particulars of the proceedings of the last conference, and of this whimsical rupture, which I had from a near and dear friend of mine, Mr. Hill, (the late lord Dungannon,) who was a manager, I shall relate from his authority: the pleasantry of the contrivance, and the odd circumstances which accompanied it, may apologise for dwelling so long upon this article.

A conference was desired by the commons relative to a breach of privilege com-

CHAP. ^{V.}mitted by serjeant Purdon, an attendant of the lords, against one of their members, which was granted accordingly.

The room which was destined for conferences in the new parliament house, unlike the other arrangements of the architect sir Edward Piers in that noble building, was remarkably cold and inconvenient; it was used, as it is now, for a lobby or waiting-room for the lords servants and chairmen; a large deal table stands with a rail near the door that opens into the portico.

On the evening preceding the conference the table was pushed close, and either nailed or tied to the rail; this was said to have been contrived by lord Anglesey, whether from pleasantry or policy is doubtful.

When the commons came to the conference they discovered that they could not as usual stand within the rail, and they were obliged to remain among the servants and the crowd which assembled before the chamber

chamber of parliament. Mr. Hill reported this unpleasant reception, which caused an angry message, and an impolite reply : the dispute became violent ; and serjeant Bettesworth, so well known in satire, and so celebrated in the rhymes of Swift, inflamed matters still more. The two houses resolved to break off their usual mode of correspondence ; and since that period they have never met at a conference.

CHAP.
VI

Of this session sir Richard Cox drew up a very curious narrative : it was lent to me many years ago by Mr. Foster, the present speaker. I do not find this manuscript was ever printed, though it contains an account of the regulation of the gold coin, and other curious particulars.

While Poyning's law prevailed in its full vigour, while heads of bills were only recommended by one house, it seems to have been desirable to induce the two houses to confer, and to give efficacy to these propositions by a joint recommendation. But as

CHAP. bills now go from one house to the other
 V. without the intervention of the privy council of either kingdom, as no alterations can be made in bills, save only in the two houses; as laws are passed by a commission, similar to that which the king issues, when he does not think it expedient to give the royal assent in person in the English parliament*; under these circumstances it does not seem desirable to revive a mode of proceeding which has produced so many evils in former times; and the more so, as messages answer every purpose of communication between the two houses.

In tracing the principal transactions in the early Journals, the observation, That there was not any instance of the examination of accounts, or of the expenditure of public money till after the Revolution, surprised

* Of the origin, changes, and modifications of Poyning's law, and the various modes of passing laws in different periods, an ample detail has been given in the second chapter of this work.

me much: a negative assertion is ever hazardous and presumptuous; time and place require more accurate investigation than what can be supposed to fall to any man's lot, however confident of his own labour and accuracy: it is necessary for me to defend this extraordinary assertion by the authority of parliament.

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V.

In the session of one thousand six hundred and ninety-two, the house of commons desired to have the accounts of the different officers of his majesty's revenue, laid before a committee of grievances. A committee appointed for that purpose, reported three precedents of a similar examination: the first was of the 17th of April one thousand six hundred and sixty-two, where the chief baron of the Exchequer produced tables of fees, which were taken by the sheriffs; and the other two, were of accounts laid before the commons of England, the 8th and 13th of October one thousand six hundred and ninety. It is evident the first does not apply to the expenditure

CHAP. V. penditure of public money by govern-
ment; and the two last were from another
country.

Upon this, a motion being made for the production of the civil and military establishment, and a state of the revenue of the nation, Mr. Pulteney *, one of the private secretaries of lord Sydney, the lord lieutenant, informed them, that the papers in question had been put into his hands by his excellency; upon which they were ordered to be received the next day, and they were presented accordingly.

The commons had only time in that session to make a short report about the mis-

* This is the first instance of a private secretary to a lord lieutenant acting as minister in the house of commons. In the preceding session, in the reign of Charles the second, sir Paul Davis, the secretary of state, was the minister. This employment had been after the Revolution granted to sir Robert Southwell for life, and was afterwards made hereditary for three generations in his family, till the death of his grandson Edward Southwell esq. in 1755.

conduct

conduct of the commissioners of the re-
venue relative to forfeitures, on the 3d of
November one thousand six hundred and
ninety-two, the very day on which they
were prorogued after they had sat only
twenty-two days, and they were shortly af-
terwards dissolved,

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V.

But when parliament assembled in one thousand six hundred and ninety five, after an interval of three years, the lord-deputy Capel informed them in his speech, that a state of the revenue would be laid before them; and on the 5th of June it was referred to a committee, which gave rise to the present mode of proceeding in the committees of accounts, supply, and ways and means; a method which has been regularly adopted since this last period; at the commencement of every session,

THE various instances which occur in the early Journals of issuing writs for new elections, in the room of members at their own

CHAP. own desire, have been accurately and mi-
 V. nutely noticed in the foregoing remarks,
 from the first precedent of sir Barnaby Brien
 in one thousand six hundred and thirty-
 four. Numerous instances, without any
 example of a negative, occur, of the com-
 pliance of the house, in this respect, till the
 year one thousand seven hundred and four,
 when it was made a standing rule of the
 house, that writs should not issue any more
 at the desire of the members in their own
 room.

This rule was made in consequence of
 Mr. Caulfield, an ancestor of the earl of
 Charlemont, desiring that a writ might issue
 for that borough, as he wished to travel into
 foreign countries; of this order the house
 seem to have been ever afterwards remark-
 ably tenacious; infomuch that when the
 borough of Sligo in one thousand six hun-
 dred and forty-three, petitioned for a new
 writ in the room of Mr. Ormsby, who at-
 tested his own bad state of health, and en-
 forced their desire, though they had excused
 his

his non-attendance, and his refusal to comply with their order, on account of indisposition, the motion for a new writ was negatived by a large majority; and the same principle prevailed in one thousand seven hundred and seventy-nine-eighty, when the election for the university of Dublin was declared void, in the case of Mr. Hutchinson, who wished to vacate his seat for Sligo, that he might be a candidate in opposition to Mr. Fitzgibbon, the present chancellor.

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It would be a presumption to decide, whether the ancient or modern practice were most desirable; perhaps the former mode was more convenient than the latter custom, to members, to government, and to the community. If it be a wish of parliament to accommodate their own members, the shortest and most direct, seems to be the most obvious and desirable mode of proceeding. Employments in Ireland do not vacate seats; and in England the Chiltern Hundreds appear to have been offices devised

CHAP. ^{V.}vised to carry a point by a manœuvre, and
 a circuitous process, which might be effected by a plain, direct, and more convenient method. And this custom of issuing writs at their own desire seems to be countenanced by early practice in the English, as well as in the Irish parliament.

PROXIES were more prevalent, and their powers more extensive in the Irish, than in the British house of peers in early periods.

The privilege of protesting by proxy originated from this extensive agency or representation, as the deputy enjoyed all the powers of the principal *.

The

* In 1764 the earls of Grandison, Tyrone, and Charlemont, divided and protested against a corn-bill. A question arose whether lord Grandison could sign a protest by proxy; and a reference having been made to the earl of Hertford, then lord lieutenant, he decided, That, according to the practice of the lords of England, he could not. But a committee having been appointed to search for precedents, they reported five instances

The first instance which occurs of a proxy in the Lords Journals, was on the 26th of July one thousand six hundred and thirty-four, when the bishop of Kildare and four lords were allowed to be absent, leaving their proxies, which were entered in the present form; but on the 30th of July one thousand six hundred and thirty-four, twenty-four proxies were entered, four and five of which were directed to one lord (a practice which was corrected after the Restoration, and no lord allowed to have more than two). The lord who had the proxy was introduced in the name and place of him who gave it, according to a form which was then settled, with a style of declaration from the lords who had those proxies.

On the 16th of April one thousand six hundred and thirty-five the earl of Lon-

instances of this practice; since which period it has been an established privilege in Ireland. It is to be observed, that, by an order in 1783, a proxy must be entered before the house rises the next sitting day. Before that period in Ireland, and still in England, a proxy must be entered before prayers on that day.

donderry

CHAP. donderry was introduced by his proxy, directed to the earl of Ormond, according to this practice, which seems at that time to have been a settled prevailing custom and form in the house of lords.

On the 20th of March one thousand six hundred and forty, it was ordered that proxies should deliver their votes in the place of those they represented. Many more instances of this mode of proceeding occur till the 23d of May one thousand six hundred and sixty-six, when viscount Beershaven was introduced, according to this form, which appears to be the last instance of this practice, as it cannot be traced after the Revolution, though the custom of entering lords as present by proxy, is evident from the beginning of the Journals, even so low as the year one thousand seven hundred and nineteen ; and possibly had I been more industrious, I might have traced it still lower : but this practice is now obsolete, and no instance of it occurs for above twenty years past.

I have

I have been more particular in tracing this custom, because the privilege of protesting by proxy depended upon it, which is a peculiar custom, not to be traced in the records of the lords of England; and I shall conclude this head with the remarkable case of the earl of Waterford soon after the Restoration.

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V.

John Talbot, the first earl of Shrewsbury, in the time of Henry the sixth, was created earl of Waterford and Wexford in the same reign. He forfeited his estates and titles, by an act of Henry the eighth, known by the name of the act of absentees. Titles were probably in those early days territorial, and appertained to certain lands and jurisdictions.

Charles the second renewed this title of earl of Waterford; and the earl was introduced by his proxy, assigned to the earl of Clanricarde the 10th of July one thousand six hundred and sixty-one; but the lords placed him after the earl of Mountrath, not

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O

accord-

CHAP. according to his original grant, but agree-
 V.
 ably to the renewal of his title.

On the 5th of December one thousand six hundred and sixty-one, lord Shrewsbury petitioned against being assessed in a poll-bill, though he had no estate in Ireland. This case was referred to a committee, and gave rise also to an enquiry, whether peers who were not estated in Ireland could give proxies. This is perhaps one of the most curious cases in the Journals of parliament, as it involved many subtle questions, save only those two which I have cited, of lord Lisle and the earl of Rochford, two English peers, who appear to have sat in the house of commons of Ireland.

OF the orders of the house of lords I have but little to observe. In the session of one thousand six hundred and thirty-four, it is very perceivable in the Journals, that lord Strafford frequently interfered, and endeavoured

deavoured to render their forms similar to those of England: the main body of their standing orders were framed in that session, and others have been added since; some of which have been adopted in one thousand seven hundred and eighty-three, upon the revival of the appellant jurisdiction, when the orders were revised with great care and much labour: the classing them in their present form, and arranging those matters which corresponded in a regular series, is an advantage which they possess over those of England; and this is owing to the abilities of one of their most eloquent and best-informed members, the archbishop of Cashel.

The privilege of protesting by proxy, which is unknown in England, as I never heard of it there, nor could trace any instance of it in their Journals, depends upon a practice in the session of one thousand six hundred and thirty-four, which has been already explained; namely, the custom of lords being introduced by proxy: the

CHAP. V. most remarkable instance of which was in
one thousand six hundred and sixty-one, in
the case of lord Shrewsbury, earl of Water-
ford and Wexford in Ireland, which has
been cited in the foregoing remarks.

In England, as I heard from a very in-
telligent officer of the house of lords, to
whom I owe much information, the judges
do not regularly attend to carry bills, unless
it be such as relate to the royal family;
nor at any other time unless when they are
particularly called upon in a body.

The carrying of bills is generally allotted
in England to the masters in chancery; two
of the college of twelve masters regularly
attend for that purpose: in Ireland a *rota* is
established, by which two judges always at-
tend, and carry money bills; common bills
are carried by the four masters in chancery;
and two judges are occasionally ordered to
remain in town, who are excused from the
circuits for this and other purposes.

I have

I have had the presumption to hazard a conjecture, that this custom of the judges carrying bills originated from the ancient practice of their forming the resolutions of the two houses into bills at the end of the session, which was the early mode of framing laws, nor have modern times, perhaps, devised a better mode of legislation.

CHAP.
V.

The orders of the lords of Ireland * are so accurately transcribed from those in England,

* The standing orders of the lords, in both kingdoms, contain no regulations for the trials of peers. From the commencement of the journals there are but two instances of these trials in Ireland, viz. of viscount Neterville in 1743; and of lord Santry near that period, whose trial is not recorded in the journals, as lord Santry was tried in the lord high steward's court in the interval of parliament. Both of them were indicted for murder: the former was acquitted; the latter found guilty, but pardoned as to his life; though the title and estate were forfeited, as murder of *malice prepense* was made high treason in Ireland by an act of the 10th of Hen. VII. c. 21.

The chancellor Windham was the first, and the only high steward ever appointed in that kingdom: a circumstance noted in his epitaph in Salisbury cathedral.

CHAP. V. land, that very little alteration is observable; and so many of the latter have been adopted, that from memory I can only recollect one which has been omitted; namely, an order by which printing the works of peers without their consent is declared a breach of privilege. This order, it is said, was adopted in one thousand seven hundred and twenty-one, in favour of Sheffield duke of Buckinghamshire *. I could wish it were adopted, as it might be an introduction to the same system of literary protection in Ireland, which prevails in England. If there be any property in which men have the most decided right, it is in the production of their own understandings: literary piracy is most disgraceful, and the pillage of the writings of other men prevents our own exertions.

On both the above trials all the lords were summoned, though till 1773 a peer might have been tried by a jury of twenty-three peers, in the high steward's court, as was the case in England before the Revolution; but in 1773 the law of king William was adopted, by which peers are now to be tried in Ireland as they are in England.

* Johnson's Life of Pope; Lives of the Poets, vol. iv. p. 91.

As

As one not the least laborious, if not the most brilliant of noble authors, I cannot help wishing for a law in Ireland to protect literary property *.

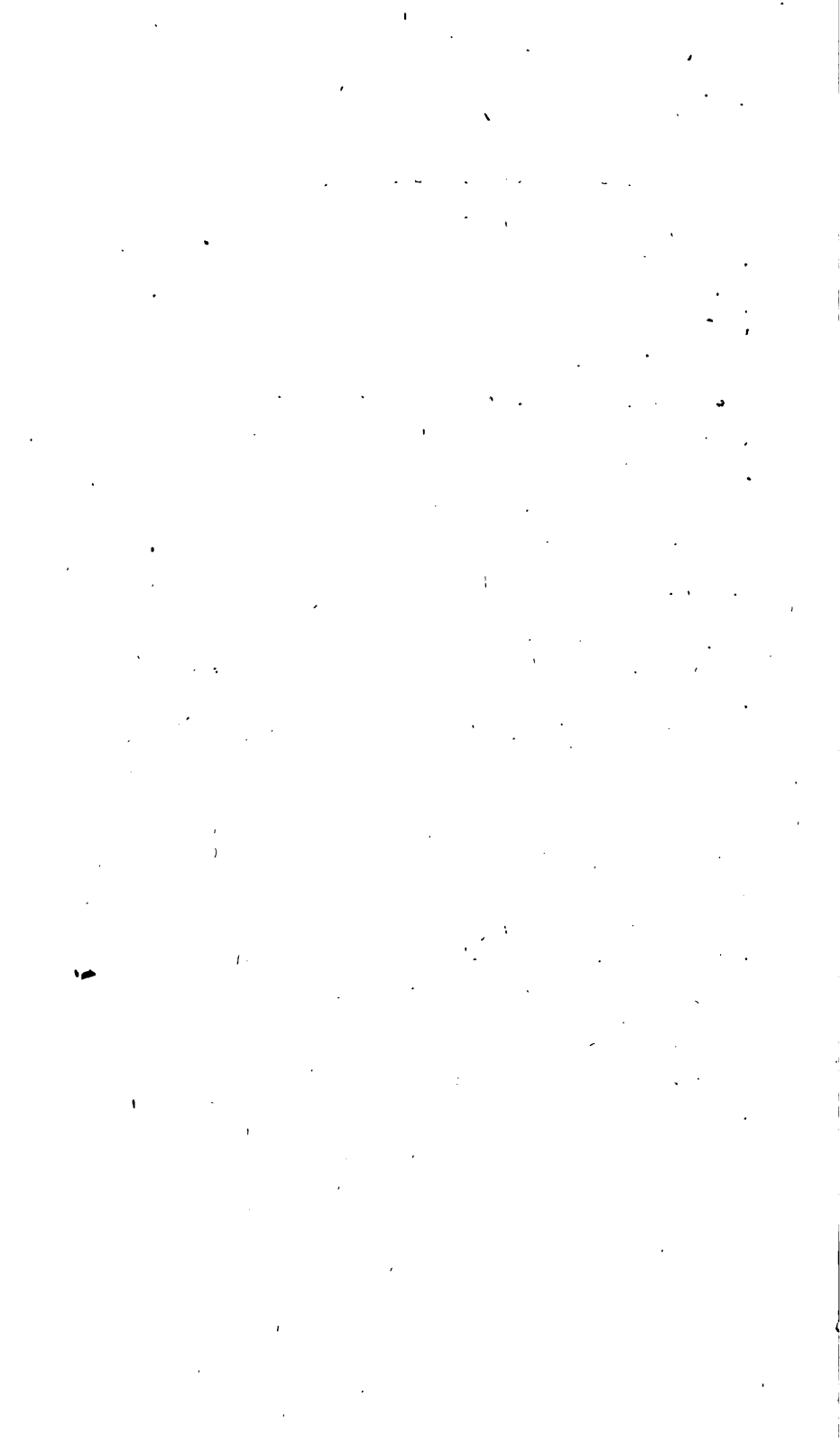
CHAP.
V.

* In the foregoing statement, that parliament which was held by King James the second in 1689-90, has been purposely omitted.

The first act of this parliament, the proceedings of which are not recorded in the Journals, was the entire repeal of Poyning's law, by which the king gave his consent to acts without the advice of the English privy council: from this circumstance, with others, that parliament was considered to be illegally convened.

I have observed, in a curious tract upon the proceedings of this pretended parliament, one act among others to prohibit the importation of coals from England, and stating the great loss farmers in the neighbourhood must sustain, by not supplying Dublin with peat, or turf as it is called, and wood, for fuel.

To the curious it may probably be acceptable to record one odd remnant of this parliament within my own memory, viz. that the robes used by king James the second were worn by the Irish viceroys till the administration of the earl of Buckinghamshire in 1777, when new robes were substituted in their place by order of his majesty,



A P P E N D I X.

N^o I.

Lord MOUNTMORRES'S SPEECH relative to rehearing Causes.

[Referred to in vol. i. p. 155.]

THE sixtieth standing order about rehearing causes being read, as follows:

“ No petition which relates to the rehearing
“ of any cause, or part of a cause, formerly
“ heard in this house, shall be read the same
“ day it is offered; but shall lie upon the table,
“ and a future day be appointed for reading
“ thereof, after twelve of the clock.”

The case of Magrath *versus* lord Muskerry having been decided in favour of the latter, upon a close division of five to four, three weeks before, lord Perry contended, that under this order the
cause

cause might be reheard; upon which the author made the following reply :

“ WERE I, my lords, to consult my own inclination, I would certainly remain silent upon the present important and arduous question. I should be sorry, however, were any information which I may accidentally possess, lost by my silence ; it is, however, but too true, that though I enter once more into the service of this house with the same ardour as before, yet neither my voice nor strength are calculated to answer laborious disquisitions : an enfeebled body but ill obeys the efforts of an active and laborious mind*.

“ It were to be wished, my lords, that the learned viscount had applied his usual industry to the construction of the sixtieth standing order, before he had pronounced that it justified, or even countenanced the doctrine of rehearing a cause already decided in this house. I pay due regard to the public attestation ; I pay due attention to his late situation in this country, in which possibly no man has ever acted with more dignity, or in more difficult times ; but I confine myself to the present question, without any reference to what is past. It is, generally speaking,

* This passage alludes to the speaker having been wounded in an affair of honour relative to the university of Dublin.

by industry and application alone to a given subject, that one man excels another: and for this we have the testimony of the greatest luminary that Providence has permitted to appear among men, I mean that of sir Isaac Newton; who declared, that he was not conscious of any advantage above his fellow-mortals, more than what constant unwearied application to a given subject, without suffering his thoughts to be diverted from it, had produced: I say, this testimony is sufficient to prove that intuitive knowledge is not allotted to man.

“ But, my lords, we have before us a striking example in the person of the noble president of this assembly, of what an unwearied attention to his profession will effect, since the noble and learned lord seems, as he advances in years, to advance in knowledge, in brevity, and in perspicuity.

“ The order, my lords, which seems to countenance the doctrine of rehearing a cause already decided in this house, was adopted, together with fourteen other orders, in one thousand seven hundred and seven, from the lords of England: no preceding case in our journals can furnish a reason for the adoption. Its origin, and the reason upon which it is built, must be traced in the records of the lords of England. I should not,
my

my lords, think myself qualified for such an investigation, were it not that I am at liberty to mention, that, at the desire of the noble president of this assembly, I was led to inform myself upon an arduous point which arose in the Ely cause, relative to the mode of taking the judges opinions: this discussion induced me to traverse the voluminous records of the lords of England, without guide or index; and I speak from notes which I have accurately taken, from the commencement of their journals.

“ Two principles I shall apply to the construction of the sixtieth standing order: the first, That causes were not originally heard by the lords of England, but by select committees of that house: the second, That all judicial matters remain in the same state from one session to another; and if interrupted by prorogation or dissolution, are taken up at the point where they were discontinued. The first tends to shew, that rehearing causes might have anciently prevailed, though it can no longer be justified: the second proves, that the sixtieth order relates to a different proceeding, and by no means justifies the principle which is countenanced by the noble viscount.

“ To many, my lords, I may probably appear to digress into an unnecessary parade of parliamentary

mentary knowledge; but if I should be honoured with the attention of your lordships, I trust I shall not only prove the principles, but apply and connect them with the question under your lordships consideration.

“ The first writ of error that I can trace in the journals of the lords of England, is entered the 25th of February one thousand five hundred and eighty; and in one thousand five hundred and eighty-five the second writ of error was brought in by the chief justice sir Christopher Wraye, when the present form of their introduction was established.

“ I am at a loss, my lords, to account for the mode in which causes were decided before that time, unless a curious report of the 1st of May one thousand six hundred and eighty-nine can throw some light upon the question. This related to an act of the 14th of Edward the third, and a declaration that it was still in force; by that law, according to the opinion of the great antiquarian, Mr. Petyt, who was consulted, five lords were to be appointed to try causes, with the assistance of the *sages* of the law. I offer this as a conjecture; but when I compare it with the names of the triers of petitions, which appear in the journals from the commencement, in the first year of Henry the eighth, where I find those
 triers

triers nominated, and the quorum of five appointed, with the names of the judges, and other particulars, according to the regulations of that act of parliament, I cannot but think that causes were tried by this delegated power in early times.

“ On the 4th of June one thousand six hundred and twenty-one I find committees first named for trying causes; and the earl of Bridgewater reports at length the rules of their proceedings, which were agreed to by the house; and the powers given to these committees to send for papers, records, &c. from any court.

“ In the reign of James the first an appeal from a decree in the court of chancery was heard before lords committees; their decision and the execution thereof were resisted by the lord keeper, the bishop of Lincoln, and he refused to obey their order; but their powers upon a reference were strengthened by the house, and the lord keeper, after some difficulty, was obliged to acquiesce.

“ This was the first appeal, my lords, from the court of chancery; but it is still more celebrated as an appeal from a decree of that brightest name in the walks of science, but degraded character in the records of the law, lord Bacon; because the proceedings against him were ordered by

by the lords to be extracted from their journals, and deposited among the archives of the court of chancery, as a perpetual memorial of his corruption and punishment.

“ I have many other instances upon my notes, of the proceedings of those committees, but will not trouble your lordships with unnecessary proofs; the last instance was the 2d of January one thousand six hundred and seventy-three, where it was entered, That the committee to which Skinner against the East-India Company was referred, be revived.

“ That it was the practice to refer causes to committees after the Restoration, appears from this extract, and from a speech of the chancellor lord Shaftesbury; which not only tends to prove what I assert, but also the custom of morning and evening sittings in the convivial days of the second Charles.

“ Lord Shaftesbury, in a speech in one thousand six hundred and seventy-five, says, “ I have
 “ heard of twenty foolish models and expedients
 “ to secure the justice of the nation, and to
 “ take this right from your lordships; (I must
 “ deal freely with your lordships;) these thoughts
 “ never could have arisen in men’s minds, but
 “ that there has been some kind of provocation
 “ that has given the first rise to it.

“ Pray, my lords, forgive me on this occasion :
 “ I put you in mind of committee dinners, and
 “ the scandal of them, and those droves of ladies
 “ that attended all causes; it was come to that pass,
 “ that men even hired or borrowed their handsome
 “ wives or daughters to deliver their petitions.”

“ The application that I shall make of this principle, my lords, is, that in early times such a practice might have obtained; that the lords might have reheard what was decided by a delegation, or by a committee, for the same reason, that in England decrees made by the master of the rolls are reheard by the chancellor: and this principle of rehearing was explained to us by the noble president of this assembly in his able and necessary amendments to a late ecclesiastical bill, when he informed us of the rules and practice of his court, and prescribed, that the report of a master under that act, should be subjected to the revision of the chancellor, from whom his power was derived. But as no instance of such a delegated power to a committee from the lords of England occurs in this century, and never obtained in this house, the doctrine can no longer operate when the house hears causes in its own capacity, and as the high court of parliament.

“ The next principle will, I hope, explain the true value and meaning of the sixtieth standing

ing order: every one knows that all legislative matters die upon a prorogation or dissolution; but the rule is the reverse in judicial proceedings, which are transmitted from one session to another, and taken up where they are left off. I assert therefore, that if this house had heard two counsel this day, or all the counsel in a cause, and if the parliament should be prorogued or dissolved this night, they would proceed to hear the rest, or debate upon their judgment, at the precise stage where the cause was interrupted.

“ This I assert; but the assertion may be proved by a reference to a report of the lords in England on the 29th of March one thousand six hundred and seventy-three, where this doctrine is laid down upon a long and uniform detail of the precedents from the earliest times. Let us now, my lords, advert to the order itself, as it stands in the English journals, on the 14th of February one thousand six hundred and ninety-four. The order says, “ That petitions for rehearing, which have been heard in the whole or in part, shall lie upon the table, and a day be appointed for taking them into consideration.” Had it said, “ Causes which have been *decided* in this house,” the construction adopted by the noble viscount would have been manifest; but a preceding cause, which was handed over from the foregoing session, and

which was then depending, clearly shews that it had a reference to beginning the cause, and hearing the counsel again; for which purpose petitions had probably been presented.

“Before I conclude, I must differ from a learned lord* in his assertion, that no such proceeding appears in the English or Irish Journals; since I can produce two instances of rehearing causes, one in England, the other in Ireland; but both of them are such dangerous precedents, so irregular, and of so violent a tendency, that I trust no reference will be made to them with a design to draw them into examples.

“The first instance to which I allude is that of the Irish chancellor Loftus.

“Lord Strafford had made a violent decree against him at the council-board, had sequestered the great seal, and imprisoned him, for disobedience to this decree; which forms an article of his impeachment. Upon an appeal to the lords of England in one thousand six hundred and forty-two, that decree was reversed; but thirty-three years afterwards, in one thousand six hundred and seventy-five, the cause was reheard upon petition. After much debate, and a strong protest against it, with many names annexed, the cause

* The chief justice lord Clonmell.

was put off to the next session, and afterwards to that of one thousand six hundred and seventy-seven, by a fifteen month's prorogation, when it was finally dismissed.

“ The second instance is, that of Vernon against Vernon in this house in one thousand seven hundred and five. On the 14th of June this decree was reversed; next day a petition to rehear the cause was presented, which was met by a previous question; and the prayer of it to rehear the cause would certainly have been negatived, according to the well-known rule of this house, (where a casting voice is allowed in no case,) by the equality of voices, had not proxies* been called for, when the question was carried by absentees against your lordships' ancestors, who opposed that dangerous principle.

“ The last instance I shall mention, is from the best of times, when liberty was most predominant, and flourished under lord Somers in the English house of lords; I mean that of the mode of getting rid of an obnoxious judgment. When the arbitrary judgment obtained by James the second, as duke of York, against Titus Oates for a libel, had been affirmed upon a writ of

* An order has since been adopted from England, that proxies cannot be admitted in judicial matters.

error after the Revolution, that confirmation was universally unpopular : recourse, however, was not had to rehearing the cause, but a law was made, and that judgment set aside, by the sovereign authority of an act of parliament.

“ I shall conclude, my lords, with remarking, that the sum and substance of what I could wish to impress on your lordships, as far as an enfeebled voice will permit, is, first, That in ancient times, as the house of lords in England thought proper to act in a judicial capacity by deputation or by a committee, the principle of rehearing causes might then have obtained ; but as such a practice never obtained here, nor in England during this century, causes that have been decided by the high court of parliament cannot now be reheard.

“ Secondly, That the sixtieth standing order relates clearly to causes which have been delayed, or put off to another session, and to rehearing the counsel ; and by no means justifies the doctrine of rehearing the whole merits of such cases as have been decided.

“ Respecting the obvious and popular point of the argument, thus much I shall presume to say, That if causes were to be reheard, there would be no end of decisions : this house would then be a house of *plusieurs resorts*, and not of
dernier

dernier resort; a house of many applications, and not of final judgment; and the celebrated Latin epigram upon the tediousness and uncertainty of the Aulic council assembled at Spire, might then be wrote over the entrance of this house, *Lites ibi spirant, sed nunquam expirant.*

“ My lords, I feel myself much exhausted; but what is worse, I fear that I have exhausted the patience of your lordships; for which I have no other apology to make than a reliance on the politeness and attention of this assembly.

“ Whether or not my observations may deserve for a moment your lordships’ consideration, or attract the attention of my honoured countrymen, I will not presume to determine; but of this I am certain, that it is the duty of every man in my situation to endeavour at least to merit your attention; I will not say by brilliant and luminous eloquence, but by early industry and indefatigable application to the privileges of this house, to the rights of this country, to the administration of justice in the last instance, to the credit of our revived judicature, and to the principles of our lately-restored and invaluable constitution.”

N^o II.

*HEADS of the ESTABLISHMENT of
IRELAND, commencing March 25, 1676,
and yearly Allowances.*

[From Mr. LAWRENCE's Papers.]

		£.	s.	d.
EXCHEQUER,	—	3,446	14	10
King's Bench,	— —	1,407	10	0
Chancery,	— — —	1,297	19	11
State and Patent Officers,		115,916	12	9

MILITARY LIST.

General officers, of which the lord lieutenant had	}	8,623	18	8
£. 6,593 — —				
Ordnance, — —		1,766	5	0
Total of the horse and foot, and military list, — —	}	166,392	15	8
Lift of pensions, — —		11,200	0	0
Total of his majesty's charge,		230,969	4	6½

N. B. The whole product of the farm of the
revenue to lord Ranelagh, and his partners, was
£. 240,000.

N^o III.

*A CATALOGUE of the IRISH NOBILITY
in 1571 and 1681.*

IN the reign of Elizabeth the Peers of Ireland,
according to Campion, stood as follows:

Earls — 6.

Gerald Fitz Gerald, earl of Kildare.
His eldest son, lord baron of Ophaly.
Sir Thomas Butler, earl of Ormond and Ossory.
His eldest son, viscount Thurles.
Fitz Gerald, earl of Desmond.
His eldest son, baron of Inchycore.
Sir Richard Bourk of Clanrickard.
His eldest son, baron of Dunkellin.
Conagher O'Brien, earl of Thomond.
His eldest son, baron of Ibreacan.
M'Carty More of Cloncarty.
His eldest son, baron of Valentia.

Viscounts — 6.

Barrie.
Roche.
Preston, of Gormanstown.
Eustace, alias Power, of Baltinglass.

Sir Richard Butler of Mountgarret.
Deces.

Barons — 20.

Lord Birmingham of Athenry.
Fitz Maurice, alias Fitz Gerald, of Kerry.
Lord Courcey.
Lord Flemming of Slane.
Plunket of Killein.
Nugent of Delvin.
St. Laurence of Howth.
Plunkett of Dunsany.
Barnewall of Trimbleston.
Butler of Dunboyne.
Fitz Patrick of Upper Offory.
Clonagh of Mac Gilpatrick.
Plunket of Louth.
O'Neal of Dungannon.
Power of Curraghmore.
Mac Suretan, Lord Defart.
Obrien of Inchiquin.
Mac Costilaghe, Lord Nangle.
Mac William Burch, Lord of Ere Connaught.

Total of Irish peers, in the reign of Elizabeth, thirty-two.

*A CATALOGUE of the IRISH NOBILITY
in 1681, during the last Administration of the
Duke of ORMOND.*

PROTESTANTS.

Duke of Ormond.

Earls — 26.

Kildare,	Ardglafs,
Thomond,	Ranalagh,
Cork,	Cavan,
Desmond,	Inchiquin,
Barrymore,	Clancarty,
Meath,	Orrery,
Offory,	Mountrath,
Roscommon,	Waterford *,
Londonderry,	Drogheda,
Donnegall,	Mount-Alexander,
Arran,	Down,
Conway,	Longford,
Carberry,	Tyrone.

Viscounts — 30.

Grandison,	Kilmurry,
Wilmot,	Valentia,
Loftus of Ely,	Maryborough,
Swords,	Castleton,

* For the revival and precedence of the earldom of Waterford, see p. 193.

Chaworth,

Chaworth,	Dungarvan,
Sligo,	Dungannon,
Waterford,	Kells,
Strangford,	Fitz Harding,
Tuam,	Clare,
Cashell,	Charlemont,
Carlow,	Powerscourt,
Cullen,	Blessington,
Shannon,	Granard,
Massareene,	Laneborough,
Dromore,	Rofs.

Barons — 23.

Kingfale,	Leitrim,
Kerry,	Donamore,
Howth,	Blaney,
Mountjoy,	Killard,
Folliot,	Kingston,
Maynard,	Colooney,
Dundalk,	Santry,
Digby,	Lowth,
Lifford,	Glawnally,
Herbert,	Altham,
Loughlin,	Castlesteward.
Coleraine,	

CATHO.

CATHOLICS.

*Marquis of Antrim.**Earls — 6.*

Clanrickard,	Fingall,
Castlehaven,	Castlemayne,
Westmeath,	Carlingford.

Viscounts — 21.

Costello,	Kingland,
Mayo,	Mountgarret,
Merrion,	Dowth,
Fairfax,	Evagh,
Fitz Williams,	Kilmallock,
Gormanston,	Ikerrin,
Fermoy,	Glanmaleyra,
Rathcoole,	Claine,
Balfour,	Down,
Brounker,	Tracy.
Galmoy,	

Barons — 11.

Athenry,	Dunfany,
Cahir,	Dunboyn,
Baltimore,	Upper Ossory,
Strabane,	Castleconnell,
Slane,	Brittas.
Trimbleston,	

In

In all one hundred and nineteen peers; which, with twenty-two bishops, make the total one hundred and forty-one lords in the year one thousand six hundred and eighty-one.

The number of the Irish peers, with the bishops, in the year one thousand seven hundred and ninety, were two hundred.

The number of the commons in the year one thousand six hundred and thirteen were two hundred and thirty-two. In the year one thousand six hundred and sixty-six, they were two hundred and seventy-six, as appears from lists in the Journals. After the Revolution they appear to be three hundred from the same documents; at which number they have since stood, as no boroughs have been created and enabled to send members to parliament in Ireland since the Revolution.

N° IV.

*INSTRUCTIONS for the COUNCIL
of TRADE.*

[From Mr. LAWRENCE's Papers, who was Agent to the
Duke of ORMOND.]

FIRST, You are to take into your consideration all the native commodities of the growth and production of this his majesty's kingdom of Ireland; and how they may be ordered, nourished, increased, and manufactured, to the employment of his majesty's people, and to the best advantage of the public; and to consider by what way, any of the manufactures in the said kingdom are corrupted, debased, and disparaged; and by what probable means, they may be restored and maintained in their ancient goodness and reputation.

Secondly, You are to consider whether in the said kingdom of *Ireland* the importation of foreign commodities doth not overbalance the exportation of such as are native; and how to advise and propound the most effectual means, that in the said kingdom the importations may not exceed the exportations.

Thirdly,

Thirdly, You are to consider, how a manufacture of linen cloth and linen yarn may be advanced and settled in this kingdom, with most advantage to his majesty and his people.

Fourthly, You are to consider by what means the fishing trade may be most improved, in the said kingdom of Ireland.

Fifthly, You are to consider of all other matters relating to navigation, and the increase and security thereof.

Sixthly, You are to consider by what particular means, bullion may be best drawn into Ireland, from the countries of foreign princes.

Seventhly, You are to consider how the trade of his majesty's liege people is provided for by his majesty's leagues with any of his confederates and allies, and to advise and propound from time to time what is expedient for his majesty by his ministers in foreign parts; or otherwise to take care that his majesty's subjects may (as justice requires) reap the benefit intended to them by such leagues, in relation to their trade in foreign parts.

Eighthly, You are to consider how there may be, that *equal* distribution of trade and manufacture in the kingdom, which will most conduce to the general good of his majesty's loving subjects therein.

Ninthly,

Ninthly, You are to consider how convenient and practicable any thing propounded to you may be concerning new inventions, and improvements in any art, trade, or manufacture; and thereof, as occasion may be, to make report unto us the lord lieutenant, or other chief governor or governors of this kingdom, and to the council.

Tenthly, You are to consider, by what means sturdy vagrants and beggars may be *compelled** to earn their living, by some lawful calling.

Eleventhly, You are to consider by what ways and means commerce may be promoted, by the constant employment of some persons in the mending highways and bridges: and by making rivers navigable, and in draining bogs and lakes, and recovering land from the sea.

Twelfthly, You are diligently to enquire into the abuses of weights and measures practised throughout the said kingdom, and to consider how the same may be effectually remedied.

Thirteenthly, You are to consider how correspondence may be settled in all places of great commerce abroad, that it may be better known

* This instruction probably related to building houses of industry in each county; a measure which was in contemplation about this period.

with

with what profit or loss the native commodities of this kingdom are there vented, and what laws are made, and trades newly erected there, to the advantage of his majesty's subjects of this kingdom.

Fourteenthly, You are faithfully and with speed to deliver your opinions in writing, and so to make reports thereof to us the lord lieutenant, or other chief governor or governors of this kingdom and council, concerning the premises; as likewise concerning such other matters as shall be occasionally at any time referred to your consideration.

Given at his majesty's castle of Dublin
the 18th day of May one thousand
six hundred and sixty-four.

James Armachanus,	Mau. Eustace, Canc.
Massareene,	Mich. Dublin,
W. Caulfield,	John Clogher,
Drogheda,	Hen. Midenfis,
Kingston,	Hen. Tichburne,
Jo. Byffe,	John Temple,
G. Wentworth,	Paul Davies,
Arth. Forbes,	James Ware.
Theo. Jones,	

FIRST

FIRST MEETING, May 26, 1664.

PRESENT,

LORD Primate, lord chancellor, lord archbishop of Dublin, lord bishop of Meath, lord chief justice Donellan, lord Massareene, sir Paul Davies, sir John Percivall, sir Robert Meredith, sir Robert Forth, sir John Temple master of the rolls, sir Edward Massey, all the privy council, besides the mayor and recorder of Dublin, with seven or eight aldermen, sir Audley Mervin, sir John Temple the king's solicitor general, serjeant Griffith, and several chief lawyers, and other gentlemen and principal merchants, who, after reading the commission and instructions, chose committees to prepare business, appointed time and place for the weekly meeting, and adjourned :

And so continued their constant weekly meetings for several years in debate of these general heads of instruction, and their branches ; and after the greatest deliberation, sometimes two or three months upon one instruction, agreed and resolved several of them into Reports to the Council Board ; the particular heads of the said Reports, as they are registered in their books, as followeth :

A TABLE to the REGISTER BOOK.

REPORTS upon your grace's commission for
regulating the herring fishing in Dublin harbour.

Linen manufacture.

Fishing in the isles of Bussen and Clare.

Free ports.

For farming the excise.

Reasons for the prohibiting manufactures of
foreign growth.

Light-houses.

For the transporting felons that receive the
benefit of clergy.

For the encouragement of the manufacture of
stuffs.

For the better ordering the post-office.

Small money.

For the regulating the weights and measures.

For the more easy and speedy recovery of
small debts, and prevention of arrests upon false
actions.

Mariners to be regulated.

Regulating protections.

Arguments against the act prohibiting our
transportation of cattle.

Against importation of hats.

A general subscription proposed against wearing foreign manufactures.

About fuel, to furnish ourselves, without foreign supplies, with coal and turf.

About regulating the shoemakers, and lowering the price of boots and shoes.

A report for printing colonel Lawrence's directions for the planting of hemp and flax.

That every female above twenty years of age shall produce a proportion of woollen, worsted, or linen yarn, every year.

To prevent abuses in slaughtering cattle, and packing beef and pork.

Rules to prevent false packing of butter.

A general estimate of trade, and experiments proposed for the improvements thereof.

But the duke of Ormond leaving the government before a parliament met, or those who were capable of forming these regulations into acts of state, as the council of trade was their nursery, so the council-table became the sepulchre, where they remain in their urn to this day, and are not like to have a resurrection whilst the realm is under such a consternation, and consequently the government encumbered with the variety of affairs relating to the preservation of the whole, as

Q 2

these

these late horrid Popish plots have brought us under.

For, before the duke's removal, most of the privy council, and other principal ministers of state, seemed exceeding fond of all proposals tending to the improvement of the trade and manufacture of the nation, and resolved to put the act of parliament for the linen manufacture in practice at Chapel Izod.

And although I gave my opinion against the Report of the Council of Trade, and my argument at council-table against the practice of that act, until a parliament met to mend it; yet they were pleased not only to make an experiment in the case, but also to pitch upon myself (admitting of no excuse) to manage it; which, after three or four months solicitation, I only submitted to, until some other fit person could be procured: but the duke removing what discouragements I received, and loss and damage I sustained, under the regency of his successors, I shall give an account of in my treatise of manufactures, which will give some farther evidence of the difference betwixt a kingdom being governed by persons peculiarly interested in its prosperity, or by aliens to its peculiar interest.

So far Mr. Lawrence's narrative.

Thus

Thus we see how very attentive the government was during this administration to promote the trade of Ireland; nor were their efforts limited by inquiry and speculation, but carried into practice and effect.

After the impolitic restraint upon the exportation of live cattle from Ireland into England in one thousand six hundred and sixty-seven, the king took into consideration the losses and sufferings of his Irish subjects; and by an order of the English council to the government of Ireland, they were enjoined to issue a proclamation, declaring a liberty of trade from Ireland to all countries, the English plantations and places occupied by the India and other companies in England only excepted.

In consequence of this encouragement, the duke of Ormond obtained a large colony of Flemings, through sir William Temple's influence, in the Low Countries, who were provided with houses at Chapel Izod for some time, where they set up a manufacture of hemp and flax, which had been first attempted to be introduced into Ireland in lord Strafford's administration, from whence the colonists were dispersed in the north and other parts of Ireland, and established the linen manufacture.

A scheme was also put into execution for a fine woollen manufacture similar to the Norwich stuffs, which appears to have gained some ground, till it was afterwards checked by the interdicts and prohibitions of the English parliament.

Cromwell's policy in supporting France against Spain has been condemned by some able politicians; but the English manufactures appear to have suffered materially by the interdict of the trade with Spain, and from the loss of that important material, Spanish wool; of which, it is said, our superfine cloths are entirely fabricated. Charles the second had the good fortune to conclude a beneficial treaty with Spain in one thousand six hundred and sixty-seven; of which sir William Temple says on the authority of Mr. Godolphin, the ambassador, who negotiated that treaty, "That it would make many a rich man in England."

A manufacture established upon the restoration of this valuable article, and of our lucrative trade with Spain, was happily imagined; but the only remnant of the ancient woollen trade, which has preserved any credit or reputation, and flourished like the Arbutus through so many inclement winters, (for such the jealousy of England which has prevailed for more than a century, till Ireland obtained a free trade in one thousand seven hundred

dred and eighty, appears to be,) was a small manufacture, which was established under the care of Mr. Lawrence, for fine ratteens in the village of Carrick, upon the duke of Ormond's own estate: these ratteens are made altogether of Spanish wool; they were always esteemed for their fineness, and have been in request even for *gala* dresses at the *fêtes* at the castle of Dublin. The introduction and culture of manufactures is laborious, often tedious and difficult; but when once they are rooted in the habits and industry of any people, subsequent discouragement will not always effect their annihilation; of which remark this manufacture, established in Carrick by the duke of Ormond, is a strong proof and a clear illustration.

This account of the proceedings of the council of trade is the more valuable, as perhaps Mr. Lawrence has preserved a record which is not now to be traced in any history or journal: this appears to have been an extract from the books of the privy council; but unfortunately all the records of that board, antecedent to the Hanover succession, were destroyed by a great fire, which burned the council office and other parts of the castle of Dublin at that period. A greater loss to the archives of Ireland could have scarcely happened; the council being not only an efficient

part of the executive power, but also a part of the legislature in former times, under Poynings' law.

The intelligent reader will perceive that the enquiries and propositions in the council of trade would apply with equal force to the improvement of Ireland, at the present period.

THE progress of manufactures is tardy, and the establishment of any branch of trade in a country requires the period of a generation; because those who are employed must have been trained from their early years, and educated for that particular branch of trade from their infancy.

The most effectual method of promoting trade and manufactures in Ireland would be by the erection of one or more houses of industry in each county, whereby idleness might be punished, the real pauper relieved, children early trained to habits of industry, and enabled to acquire, in their tender years, that knowledge which might qualify them to gain a livelihood in some useful branch of trade.

When I mentioned these establishments elsewhere*, that part of this work was printed, and I

* See above, p. 118.

was not then apprized that such a system had been in the contemplation of the Irish and of the English government soon after the Revolution.

For this curious fact, I am indebted to the liberal communication of a very eminent political and commercial writer, through whose friendship I was favoured with an inspection of the records of the board of trade; in which I found, that on the 22d of April 1697, a proposal to this effect had been made by Mr. Collis and some others, to the lords justices and council of Ireland, requesting a recommendation for a royal charter for this salutary purpose; a proposition which was accordingly recommended to the English privy council, and referred by them to the consideration of the board of trade.

N° V.

*A STATE of the PARLIAMENT at WEST-
MINSTER, Anno 1654.*

[Referred to vol. i. p. 364. vol. ii. p. 89.]

THIS parliament, consisting of the knights of the counties, citizens of the cities, and burgesſes of the boroughs and towns, and barons of the cinque ports of the commonwealth of England, Scotland, and Ireland, began at Westminster September 3, one thousand ſix hundred and fifty-four, and held to January 22 following.

BEDFORD.	Sir Will. Boteler kt. John Harvey eſq. Edm. Wingate eſq. John Neal eſq. Samuel Bedford eſq.
Bedford,	Bulſtrode Whitlock, one of the lords commiſſioners of the great ſeal.
BERKS.	Geo. Purefoy eſq. Edm. Dunch eſq. ſir Rob. Pye kt. John Dunch eſq. John Southby eſq.
Abingdon,	Thomas Holt eſq.
Reading,	Robert Hammond of Reading eſq.
BUCKINGHAM.	Bulſtrode Whitlock, one of the lords commiſſioners of the great ſeal, ſir Rich. Pigot kt. Rich. Ingoldsby eſq. Rich. Greenville eſq. Geo. Fleetwood eſq.
Buckingham,	Francis Ingoldsby eſq.
Ayleſbury,	Henry Phillips eſq.
Chipping- Wycombe, }	Thomas Scot of Lambeth.
CAMBRIDGE.	John Deſbrow eſq. Francis Ruſſel eſq. Hen. Pickering eſq. Rob. Caſtel eſq.
Cambr. town,	Rich. Timbs, alderman of Cambridge.
Cambr. univ.	Lord Henry Cromwell.

Iſſe

<i>Iſle of Ely.</i>	John Thurloe eſq. ſecretary of ſtate. Geo. Glapthorn eſq.
CHESTER.	John Bradſhaw, ſerjeant at law, chief juſtice of Cheſter, ſir Geo. Booth bart. Henry Brook of Norton eſq. John Crew of Ukipton Charles Walley eſq.
Cheſter,	Tho. Gewen of Bradridge eſq. Anth. Nichol of
CORNWALL.	Penroſe eſq. Tho. Ceely of Treviſham eſq. Rich. Carter of Colomb Major eſq. Anth. Rous of Wooton eſq. James Launce of Pen-nare eſq. Walter Moyle of Bake eſq. Charles Boſcawen of Tregothan eſq.
Dunheved al.	} Robert Bennet eſq.
Launceſton,	
Truro,	
Penryn,	Francis Rous eſq.
CUMBERLAND.	John Fox eſq.
Carlisle,	Charles Howard eſq. Will. Briſco eſq.
DERBY.	Col. Thomas Fitch.
Derby,	Nath. Burton eſq. Tho. Sanders eſq. Edw. Gill eſq. John Gell eſq.
DEVON.	Gervafe Bennet eſq.
Exeter,	Rob. Roll eſq. Arth. Upton eſq. Tho. Reynell eſq. Will. Morris eſq. John Hale eſq. Wil-liam Baſtard eſq. Will. Fry eſq. Tho. San-ders eſq. ſir John Northcot bart. Henry Hatfel eſq. John Quick eſq.
Plymouth,	Tho. Bampfield eſq. Tho. Gibbons eſq.
Dartmouth	Chriſt. Ceely merchant, Will. Yeo eſq.
Clift. Hard.	} Tho. Boon of Tonſtall eſq.
Totnefs,	
Barnſtable,	John Deſbrowe eſq. one of the generals at ſea.
Tiverton,	John Doddridge eſq.
Honiton,	Rob. Shapcot, major John Blackmore.
DORSET.	Sir John Young kt.
Dorcheſter,	Will. Sydenham eſq. John Bingham eſq. ſir Walt. Earl kt. John Fitzjames eſq. John Trenchard eſq. Hen. Henley eſq.
	John Whiteway eſq.

Weymo.

Weymo. and Melc. Regis. }	Dennis Bond esq.
Lyme Regis, Pool,	Edm. Prideaux esq. attorney-general.
DURHAM.	Sir Anth. Ashley Cooper kt. and bart.
	Col. Rob. Lilborne of Thickley Punchardon esq. Geo. Lilburn of Sunderland esq.
Durham,	Anthony Smith, mercer.
ESSEX.	Sir Will. Masham bart. sir Rich. Everard bart.
	sir Tho. Honeywood kt. sir Tho. Bowes kt.
	Hen. Mildmay of Graces esq. Tho. Coke of Pebmarsh esq. Carew Mildmay esq. Diony- sius Wakering esq. Edw. Turner esq. Rich. Cutts esq. Oliver Raymond esq. Herbert Pelham esq.
Malden, Colchester,	Joachim Matthews.
	Col. John Barkstead, lieutenant of the tower, John Maidstone esq.
GLOUCESTER.	Geo. Berkley esq. <i>Matthew Hale</i> , one of the justices of the common bench, John How esq. Christ. Guise esq. Sylvanus Wood esq.
Gloucester,	Will. Lenthall esq. master of the rolls, Tho. Pury sen. esq.
Tewksbury, Cirencester,	Sir Anthony Ashley Cooper bart.
HEREFORD.	John Stone of Friday-street, London, esq.
	John Scudamore esq. John Pateshal esq. John Flacket esq. Rich. Read esq.
Hereford, Lempster,	Benner Hoskins esq.
HERTFORD.	John Birch esq.
	Henry Laurence, lord president, <i>Will. earl of</i> <i>Salisbury</i> , sir John Wittewrong kt. sir Rich. Lucy kt. and bart. Tho. Nicholl esq.
St. Albans, Hertford,	Alban Cox esq.
HUNTINGDON.	Isaac Pulter esq.
	Edw. Montague esq. one of his highness's coun- cil, Henry Cromwell the younger of Ramsey esq. Steph. Pheasant of Upwood esq.
Huntingdon,	John Bernard esq.

KENT.

- KENT.** William James esq. John Dixwell esq. John Boys of Bettishanger esq. sir Hen. Vane sen. kt. Ralph Weldon esq. Lambert Godfrey esq. Rich. Beal esq. Hen. Oxenden esq. Augustine Skinner esq. Daniel Shatterden esq. John Seyliard jun. esq.
- Canterbury, Tho. Scot esq. Francis Butcher.
 Rochester, John Parker esq. recorder.
 Maidstone, John Banks jun. gent.
 Queenborough, Augustine Garland esq.
 Co. Palatine of } Rich. Holland, Gilbert Ireland, Rich. Standish,
LANCASTER. } Will. Ashurst
- Preston in }
 Amond, } Richard Shuttleworth.
 Lancaster, Henry Porter esq.
 Liverpool, Thomas Birch sen. esq.
Manchester, Charles Worsley of the Plat esq.
LEICESTER. Tho. Beaumont esq. *Henry earl of Stamford,*
 Thomas lord Grey of Grooby, Tho. Pochin esq.
- Leicester, Sir Arthur Haslrig of Noseley in the county of Leicester, Will. Stanley gent. and alderman of the borough.
- LINCOLN.** Edward Rossiter esq. Tho. Hall esq. Tho. Lister esq. Charles Hall esq. Francis Clinton al. Fines esq. Tho. Hatcher esq. Will. Wolley esq. Will. Savill esq. Will. Welby esq. John Wray esq.
- Lincoln, Will. Marshall alderman, Original Peart alderman.
- Boston, William Ellis esq.
 Grantham, William Bury sen. esq.
 Stamford, John Weaver esq.
 Gr. Grimby, William Wray esq.
- MIDDLESEX.** Sir Will. Roberts kt. Josiah Berners esq. sir James Harrington kt. and bart. Edm. Harvey esq.
- Westminster, Tho. Latham esq. Tho. Fauconbridge esq.
 London,

- London, Tho. Foot alderman, Will. Steel serjeant at law and recorder, Tho. Adams esq. John Langham esq. Sam. Avery esq. Andrew Riccard esq.
- MONMOUTH. Lord Richard Cromwell, col. Philip Jones.
- NORFOLK. Sir John Hobart bart. fir Will. Doyley kt. fir Ralph Hare bart. Thomas Weld esq. Rob. Wilton esq. Tho. Sotherton esq. Phil. Woodhouse esq. Rob. Wood sen. esq. Phil. Beddingfield sen. esq. Tobias Frere esq.
- Norwich, Bernard Church esq. John Hobart esq.
- Lyn Regis, Philip Skippon one of the council, Guybon Goddard esq. recorder there.
- G. Yarmouth, Col. Will. Goffe, Tho. Dun gent.
- NORTHAMPTON. Sir Gilbert Pickering bart. one of his highness's council, John Crew sen. esq. fir John Norwich kt. and bart. John Cleypool sen. esq. fir John Dryden bart. Tho. Brook esq.
- Peterborough, Humph. Orm esq. Alex. Blake esq.
- Northampton, Peter Whalley gent.
- NORTHUMBERLAND. Will. Fenwick of Wallington, Rob. Fenwick of Bedlington esq. Hen. Ogle of Eglington.
- Newcastle on Tine, } Sir Arthur Hasilrig bart.
- Berwick on Tweed, } Geo. Fenwick of Brenkborn in the county of Northumberland esq.
- NOTTINGHAM. Will. Pierpoint esq. Edw. Whalley esq. Edw. Nevill esq. Charles White esq.
- Nottingham, James Chadwick esq. John Mafon gent.
- OXFORD. Rob. Jenkinson esq. Charles Fleetwood lieutenant-general of Ireland, col. James Whitlock, Nath. Fines esq. Will. Lenthall esq. speaker.
- Oxford city, Bulstrode Whitlock, one of the lords commissioners of the great seal.
- Oxford univ. John Owen D. D.
- Woodstock, Lieutenant-general Charles Fleetwood.
- RUTLAND. Will. Shield esq. Edw. Horseman esq.

SALOP.

- SALOP.** Humph. Mackworth fen. esq. Thomas Mitton esq. Rob. Corbet esq. Phil. Yong esq.
- Shrewsbury tow.** Rich. Cheshire gent. Humph. Mackworth jun. gent.
- Bruges al. } Will. Crown esq.
Bridgenorth, }
Ludlow, } John Aston gent.
- SOMERSETSHIRE.** Sir John Horner kt. John Buckland esq. Gen. John Desborough, John Preston esq. John Harrington esq. John Ash esq. Charles Steynings esq. Rob. Long esq. Rich. Jones esq. Tho. Hippeley esq. Sam. Perry esq.
- Bristol, Rob. Aldworth esq. Miles Jackson esq.
Bath, Col. Alexander Popham of Honistreet.
Wells, Lislebone Long esq.
Taunton, Tho. Gorges esq. John Gorges esq.
Bridgewater, Col. Robert Blake
- SOUTHAMPTON.** Lord Rich. Cromwell, Rich. Norton esq. Rich. Major esq. John St. Barbe esq. Rob. Wallop esq. Francis Rivet esq. Edw. Hooper esq. John Bulkley esq.
- Winchester, John Hildesley esq.
Southampton, John Lisle, one of the lords commissioners of the great seal, and recorder of the said town.
- Portsmouth, Nath. Whetham esq.
Andover, John Duns of Hurttley esq.
Isle of Wight, Col. Will. Sydenham one of his highness's council, John Lisle one of the commissioners of the great seal.
- STAFFORDSHIRE.** Sir Charles Wolfeley bart. Tho. Crompton esq. Tho. Whitgrave esq.
- Litchfield, Thomas Minors esq.
Stafford, John Bradshaw esq. serjeant at law.
Newcastle } Edward Keeling gent.
under Line, }
- SUFFOLK.** Sir Tho. Barnardiston kt. sir William Spring bart. sir Tho. Beddingfield kt. Will. Bloys esq. John Gurdon esq. Will. Gibbs esq.
John

- John Brandling esq. Alex. Bence esq. John Sicklemore esq. Tho. Bacon esq.
- IPSWICH,** Nath. Bacon esq. Francis Bacon esq.
- St. Edmundsbury,** Samuel Moody esq. John Clerk esq.
- Dunwich,** Rob. Brewster of Wreatham in Suffolk esq.
- Sudbury,** John Fothergill esq.
- SURREY.** Sir Richard Onslow kt. John Lambert major general, Arthur Onslow esq. Francis Drake esq. Rob. Holman esq. Rob. Wood esq.
- Southwark,** Sam. Highland esq. Rob. Warcup esq.
- Guilford,** Rich. Hiller of Guilford gent.
- Ryegate,** Edward Bishe esq.
- SUSSEX.** Herbert Morley esq. John Stapley esq. John Fagg esq. Will. Hay esq. John Pelham esq. Anthony Stapeley esq. Sir Tho. Pelham bart. *Francis lord Dacres*, Herbert Sprungat esq.
- Chichester,** Henry Peckham esq. recorder.
- Lewes,** Henry Shelley esq.
- E. Grinstead,** John Goodwin esq.
- Arundell,** Anth. Shirley of Preston esq.
- WARWICKSHIRE.** Rich. Lucy esq. Tho. Willoughby esq. fir Rich. Temple bart. Will. Purefoy esq.
- Coventry,** Will. Purefoy esq. Rob. Beak esq.
- Warwick,** Richard Lucy esq.
- WESTMORELAND.** Christ. Lister esq. Jeremy Baynes esq.
- WILTSHIRE.** Sir Anthony Ashley Cooper bart. Alex. Popham esq. Tho. Grove of Bury Court esq. Alex. Thistlethwait esq. Francis Hollis esq. John Ernly of Bury Town esq. Will. York esq. John Norden esq. James Ash esq. Gabriel Martin esq.
- New Sarum,** Edw. Tooker esq. Will. Stevens esq. recorder there.
- Marlborough.** Lieut. gen. Charles Fleetwood.
- Devises,** Edward Baynton esq.
- WORCESTER-SHIRE.** Sir Tho. Rous kt. and bart. Edw. Pit esq. Nicholas Lechmere esq. John Bridges esq. Talbot Badger esq.

Worcester

Worcester city and county.	William Collins esq. Edward Elvines alderman.
YORKSHIRE, West Riding,	Tho. lord Fairfax, John Lambert esq. one of his highness's council, Hen. Tempest esq. John Bright esq. Edw. Gill esq. Martin Lister esq.
East Riding,	Sir William Strickland kt. and bart. Walter Strickland esq. one of his highness's council, Hugh Bethel esq. Rich. Robinson esq.
North Riding,	<i>George lord Eure</i> , Francis Laffels esq. Tho. Harrison esq. Geo. Smithson.
York city,	Sir Thomas Widdrington kt. one of the lords commissioners of the great seal, Tho. Dickenson alderman.
Kingston on Hull,	William Lister esq.
Beverley,	Francis Thorp, one of the barons of the Exchequer.
Scarborough,	John Wildman of the city of Westminster esq.
Richmond,	John Wastal of Scorton esq.
Leeds,	Adam Bayns of Knowstrop esq.
Hallifax,	Jeremy Bentley gent.

CINQUE PORTS.

Port of Dover,	William Cullen esq.
Port of Sandwich,	Thomas Kelsey esq.
Port of Rye,	Herbert Morley esq.

W A L E S.

ANGLESEY.	Geo. Twisleton esq. William Foxwift esq.
BRECKNOCKSHIRE.	<i>Hen. lord Herbert</i> , Edm. Jones esq.
CARDIGANSHIRE.	James Phillips esq. Jenkin Lloyd esq.
CARMARTHENSHIRE.	} John Cleypool esq. Rowland Dawkins esq.
CARNARVONSHIRE.	John Glynn serjeant at law, Tho. Mostyn esq.
DENBIGHSHIRE.	Col. Simion Thelwall, col. John Carter.
FLINTSHIRE.	John Trevor esq. Andr. Ellis esq.
VOL. II.	R

GLAMOR-

- GLAMORGANSHIRE.** Philip Jones esq. one of his highness's council, Edm. Thomas of Wenro esq.
Cardiffe, John Price esq.
MERIONETHSHIRE. John Vaughan of Kevenbodig esq.
MONTGOMERYSHIRE. Sir John Price bt. Cha. Lloyd of Garth esq.
PEMBROKESHIRE. Sir Erasmus Phillips of Picton Castle bart.
 Arth. Owen of Newmoate esq.
Haverford West, John Upton esq.
RADNORSHIRE. Geo. Gwyn esq. Hen. William esq.

SCOTLAND 21.

- Sheriffdom of Inverness.—Lieut. col. Will. Mitchel.
 Sheriffdoms of Forfar and Kinkardine.—Col. David Barclay of Urie.
 Sheriffdoms of Fife and Kinross.—Col. James Hay.
 Sheriffdom of Perth.—*George earl of Linlithgow.*
 Sheriffdoms of Linlithgow, Sterling, and Clackmannan.—Col. Tho. Read, governor of Sterling.
 Sheriffdoms of Dunbarton, Argyll, and Bute.—Sir James Hamilton of Obiston.
 Sheriffdom of Lannerick.—Col. Will. Lockhart.
 Sheriffdom of Mid-Lothian.—Geo. Smith esq. one of the judges of Scotland.
 Sheriffdom of Meroe.—John Swinton of Swinton in the said sheriffdom esq.
 Sheriffdoms of Selkirk and Peebles.—John Thompson, auditor-general of the revenues of Scotland.
 Sheriffdom of Dumfrieze.—*James earl of Hartsell.*
 Sheriffdom of Wigton.—Sir James M'Dowel of Garthland.
 Sheriffdom of East-Lothian.—Mr. Benj. Briffie of Dolphinton.
 Boroughs of Forfar, Dundee, Arbroth, Montross, Buchan.—Sir Alex. Wedderburn of Blackness kt. clerk of Dundee.
 Boroughs of Lithgow, Queen's Ferry, Perth, Culross, and Sterling.—Col. John Okey.
 Boroughs of St. Andrews, Dysart, Kirkaldy, Cooper, Anstruther-East, Pittenween, Creel, Dumfermling, Kinghorn, Anstruther-
 ther-

- ther-West, Innerkething, Kilkenny, and Burnt-Mound.—James Snord, burges of Saint Andrews.
- City of Edinburgh.—Samuel Desborrow one of the commissioners for the revenues, Geo. Downing esq. scout-master-general.
- Boroughs of Lanerick, Glasgou, Ruthergler, Rothsay, Renfrew, Ayre, Irwynn, and Dunbarton.—Mr. John Wilk of Bromhouse.
- Boroughs of Dumfreize, Sanclare, Lochmaben, Annand, Wigton, Kirkudbright, Whithorn, and Galloway.—Major Jeremiah Tolhurst esq. burges of Dumfrieze.
- Boroughs of Peebles, Selkirk, Jedburgh, Lander, North-Berwick, Dunbar, and Haddington.—Mr. William Thompson burges of Haddington.

I R E L A N D.

- Counties of Meath and Lowth.—Col. John Fowk governor of Drogheda, major Will. Cadogan.
- Counties of Kildare and Wickloe.—Maj. Anth. Morgan, maj. Will. Meredith.
- County of Dublin.—Col. John Hewson of Lutterels Town esq.
- City of Dublin.—Daniel Hutchinson alderman.
- Counties of Catherlough, Wexford, Kilkenny, and Queen's County.—Tho. Sadler esq. Daniel Axtell esq.
- Counties of Westmeath, Longford, and King's County.—Theophilus Jones, Tho. Scot.
- Counties of Down, Antrim, and Armagh.—Col. Robert Venables, col. Arthur Hill.
- Towns of Carrickfergus and Belfast.—Major Daniel Redmond.
- Counties of Derry, Donnegal, and Tyrone.—Col. John Clark of Londonderry, Thomas Newburgh of Lifford in the county of Donegal esq.
- Towns of Derry and Coleraine.—Ralph King esq.
- Counties of Cavan, Farmannagh, and Monaghan.—Col. John Cole.
- Counties of Kerry, Limmerick, and Clare.—Major gen. sir Hadress Waller, col. Hen. Ingoldsby.

City and county of the city of Limerick and Kilmallock. — Will. Purefoy esq.

County of Cork. — *Roger Boyle lord baron of Broghill.*

Towns of Cork and Youghal. — Col. Will. Jephson.

Towns of Bandon and Kingfale. — Vincent Gookin esq.

Counties of Tipperary and Waterford. — John Reynolds commissary-general esq. Hierom Sankey esq.

Cities of Waterford and Clonmell. — Will. Halsay esq.

Counties of Sligo, Roscommon, and Letrim. — Sir Robert King kt. fir John Temple kt.

Counties of Galway and Mayo. — Sir Charles Coot, commissary-general John Reynolds.

IN this parliament, which represented the three kingdoms, the number of county members, and the change in the members for boroughs, are well worthy of attention: the counties are in capitals, and the towns in small letters; the chief justice Hale, and the nine peers, who were members of the house of commons, are marked in italicks. — By one of the laws passed in this parliament, and preserved in Scobell's collection, the customs and excises were to be the same in Great Britain and Ireland, and books of rates were formed according to this regulation: a circumstance which was mentioned in 1785 by the author in a speech, after the propositions were laid aside in the Irish parliament.

THERE was another parliament called the 17th of September 1656 by Oliver Cromwell, for the three kingdoms; and a third also summoned by Richard Cromwell, for the three kingdoms, the 27th of January 1658.

N^o VI.

An INDENTURE containing a GRANT of all His MAJESTIES REVENUE of IRELAND, ordinary and extraordinary, certain and casual whatsoever, (new and extraordinary aydes by future acts of parliament onely excepted,) to sir James Sbaen and others for seven years, to commence the 26th day of December 1675 inclusive.

Yielding and paying therefore unto his Majesty the summe of twenty thousand pounds the last day of every calendar moneth; the first payment of twenty thousand pounds to be compleated and made at or before the last day of April 1676; and the last twenty thousand pounds at or before the last day of March 1683, or within thirty dayes thereafter respectively.*

THIS INDENTURE made the eighth day of April, in the eighth and twentieth year of the raign of our soveraign Lord Charles the second, by the grace of God of England, Scotland, France, and Ireland king, defender of the faith, &c. annoq. Domini one thousand six

* The farm of the whole of the Irish revenue to sir James Shaen, &c. is inserted here, and was referred to elsewhere in this work*; because a very important revolution was effected by those grants of Charles the second in the constitution: till this period the revenue was collected principally by the sheriffs, and the receipt and accounts were managed by a treasury board as in England; but the farmers under this grant appointed their own collectors, the whole system of the receipt was changed, the offices of lord high treasurer and vice treasurers were rendered sinecure, granted for life, and continued in the family of the earl of Cork, or devolved as pensions to non-residents, contrary to the prescriptions of an act of parliament; nor have they since reverted to their original design and destination.

* Vol. ii. p. 141.

hundred seventy-six: Between our said sovereign Lord the kings majesty on the one part; and sir James Shaen of the Inner Temple, London, knight and baronet, his majesties surveyor general of Ireland, William Hill of Hillsbrough in the county of Downe in the kingdom of Ireland esq. William Ryder of the city of London esq. Thomas Hoare of Ilford in the county of Essex esq. Francis Sone of Eltham in the county of Kent esq. William Muschamp of the city of Dublin in Ireland esq. Edward Richbell, Stanhop Mill, Lawrence Stanian and John Gurney of London esqrs. and Thomas Sheridan of the city of Cork in the kingdom of Ireland esq. of the other part.

Recital of
Forth's
grant.

Whereas his said majesty by his indenture of demise under the great seal of England, bearing date the twelfth day of July, in the one and twentieth year of his said majesties reign, did for the considerations therein mentioned, demise, grant and to farm-let, unto John Forth, William Bucknall, William Dashwood, Philip Jemmett, John Breedon, James Hayes, Dannett Forth, George Dashwood, William Muschamp, Humphry Taylor and Ralph Bucknall, being the other parties to the said indenture, the great branches of his majesties revenue in Ireland, (that is to say) the custome and subsidie of tunnage and poundage, the duties of excise for goods imported,

imported, commonly called the forreign excise, the duties arising from beer, ale, strong-waters, and other exciseable liquors, commonly called the inland excise, the duties arising by hearth-money, the duties arising by licences to retail wines and strong-waters, and by licences for selling ale and beer by retail; as also the new quit-rents, and other rents given unto his majesty by the acts of settlement and explanation, together with divers other rents, duties and payments, in the said indenture mentioned and expressed; for and during several terms of years, which determined at the feast of the nativity of our Lord God now last past, as in and by the said indenture of demise, or the inrolment thereof, remaining upon record in his majesties high court of chancery at Dublin in Ireland, amongst divers clauses, powers, priviledges, covenants, reservations and agreement therein mentioned and contained, relation being thereunto had, may more fully and at large appear.

And whereas his said majesty by a certain indenture of covenants, under his great seal of England, bearing date the fourth day of August in the twenty third year of his said majesties reign, did for the considerations therein contained, amongst other things covenant and agree, to and with Richard lord viscount Ranelagh, sir Alexander

Recital of
the lord Ranelagh's
grant.

Bence; sir James Hayes, John Bence, George Dashwood, Joseph Dean, Robert Huntingdon, John-Stepney and Richard Kingston, being the other parties to the said indenture, that such and so many commissions should be issued and directed unto them, or unto such other able discreet and fit persons, as they should humbly desire, sufficiently authorizing and empowering the persons therein to be named, to act as his majesties officers, in managing, levying, collecting, suing for, recovering and receiving, or otherwise compounding for, or discharging of all and every his majesties rents, revenues, profits, duties and incomes, certain and casual, ordinary and extraordinary whatsoever in the said kingdom of Ireland, as before or until the twenty sixth day of December one thousand six hundred seventy and five, were or should by any matter of record, or otherwise be due, owing or payable to his majesty, including the rents, duties and payments which should be due for the time incurred, before the twenty sixth day of December 1675, though the same might be payable, or instalments made, or time given for the payment thereof, after that day, subject to the limitations and restrictions of the said last recited indenture, as in and by the said indenture of covenants, or the enrolment thereof remaining likewise upon
record

record in his majesties said high court of chancery in Dublin aforesaid, or elsewhere, amongst divers other clauses, powers, priviledges, covenants, provisoes, exceptions, *non obstantes*, articles, agreements, matters and things, therein particularly mentioned and contained, relation being thereunto had, may likewise more fully and at large appear.

And whereas the said severall and respective indentures before recited and mentioned, and the severall powers, terms, authorities and interests therein, and thereby respectively granted, did expire and determine, at and upon the twenty fifth day of December last past, (except onely the right, title and interest, which the said John Forth and his partners, and the said lord Ranclagh and his partners, have to the arrears of the said duties and revenues, by the said respective mentioned indentures granted, which were due, or owing unto them respectively, before the said twenty sixth day of December 1675,) by reason whereof, as well the said branches of his majesties revenue, so demised and granted, as also all and every other the branches of his majesties revenue, profit and incomes, as well in charge, as out of charge, great and small, certain and casual, ordinary and extraordinary whatsoever, of or within
his

Both grants being determined, all branches of the revenue come into the king's hands.

his majesties said kingdom of Ireland, are come into his majesties hands.

His majesty
in considera-
tion of
60,000 l.
and of the
rents and
covenants
after men-
tioned,

Now this indenture witnesseth, that in consideration of the summe of threescore thousand pounds of lawful money of England, or so much other lawful and current money of Ireland, as is equivalent in Ireland to threescore thousand pounds of lawful English money, by the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanian, John Gurney, and Thomas Sheridan paid into the receipt of his majesties exchequer in Ireland, before the sealing of these presents, by way of advance, as security for the better payment of the several summes of money herein after mentioned and reserved, which said summe of threescore thousand pounds is to remain in his majesties hands until the end or determination of this present demise, and is to be secured to be repaid with interest, after the rate of ten pounds *per centum per annum*, as is hereafter expressed; and also in consideration of the rents, payments, covenants, conditions and agreements, herein after reserved and contained, on the part, and behalf of the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp,

Edward

Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gurney and Thomas Sheridan, to be paid and performed; and for divers other good causes and considerations, his majesty thereunto especially moving, his majesty hath by and with the advice of the right honourable Thomas earl of Danby lord high treasurer of England, Arthur earl of Essex lord lieutenant of Ireland, and divers others of his majesties most honourable privy council, of England and Ireland, and of his especial grace, certain knowledge, and meer motion demised and granted, and to farm-let: and by these presents, his majesty for himself, his heires and successours, doth demise, grant and to farm-let unto the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gurney and Thomas Sheridan, all those rates, charges, duties and impositions, payments, and summes of money due and payable to his majesty by such person or persons, who at any time after the feast of the nativity of our Lord Christ now last past, during the term hereafter mentioned, shall have lycence to utter and sell by way of retayl, in their respective houses, within the said kingdom of Ireland, any wine, aquavitz, usquebagh, brandy, balkan

Doth demise, &c. to the present farmers.

Wine and strong-water licences.

or

or any kind of distilled strong-waters or spirits, and all other duties and summes of money, which by virtue of the late act of parliament passed in Ireland, entituled, "An act for the better ordering the selling of wines and aqua-vitæ, together with all sorts of strong-waters, by retayl or otherwise howsoever," shall come, or may at any time, from and after the said feast of the nativity of our Lord now last past, unto the feast of the nativity of our Lord which shall be in the year of our Lord 1682 inclusive, grow due, and be renewed, or from time to time, during the term aforesaid, ought to become due and payable, and are appointed to be paid unto his majesty, his heirs and successours, or to any of them, and all the powers, liberties, priviledges, duties, fees, benefits and advantages of the said act, unto his majesty any wayes belonging or appertaining, and which he can, or may lawfully grant.

Customs
and sub-
sidies of ton-
nage and
poundage.

And also all customs, subsidies and impositions, summe and summes of money, taken or known by the names or in lieu of customs, subsidies and impositions, payments, duties and summes of money, and all manner of subsidies of tonnage and poundage, now or heretofore taken or known by the name of tonnage or poundage, and all other subsidies and imposts, summes

summes of money, rights, payments and duties, which at any time or times, from and after the said feast of the nativity of our Lord Christ now last past, unto the feast of the nativity of our Lord Christ, which shall be in the said year of our Lord Christ 1682 inclusive, shall, may or ought to happen, come, arise, grow, renew, be due or payable, or appointed to be paid, to our sovereign lord the king, his heyres and successors, or to any of them, by the late act of parliament passed in Ireland, entituled, “ An act
“ for settling the subsidy of poundage, and
“ granting a subsidy of tonnage, and other
“ summes of money, unto his royal majesty, his
“ heyres and successors, the same to be paid
“ upon merchandize imported and exported, into
“ or out of the realm of Ireland, according to a
“ book of rates thereunto annexed; or by any
“ other the laws, statutes and customes of the
“ realm of Ireland, or any of them heretofore
“ made or established, or by reason of any cus-
“ tome, usage or prescription, or in right of his
“ majesties prerogative royal, or by any other
“ wayes or means whatsoever, established for
“ customes, subsidies and imposts, or in lieu of
“ customes, subsidies and imposts, and other
“ payments and duties, of, for or by reason of
“ all and all manner of wines, wares, goods and
“ mer-

“ merchandizes whatsoever, of whatsoever nature, kind, quality or condition they are, or shall be.”

And moreover our said sovereign Lord the king, for him, his heyres and successours, doth grant and agree, to and with the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gurney and Thomas Sheridan, their executors, administrators and assigns, by these presents, that the said sir John Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gurney and Thomas Sheridan, their executors, administrators and assigns, shall have, take and enjoy to their own proper uses and behoofs, all and all manner of customes, subsidies and imposts, or summes of money, duties or payments, commonly called, known or payable, as or in lieu of customes, subsidies and imposts, or any of them: and for all goods, wares and merchandizes whatsoever, which at any time or times, between the feast of the nativity of our Lord God now last past, and the feast of the nativity of our Lord God which shall be in the year of our Lord 1682 inclusive, shall be brought into the said realm of

Ireland,

Duties arising from goods brought in by ships of war.

Ireland, in or by any of the ships or fleets of his majesty, his heyrs or successours, or any other ships or vessels imployed, or to be imployed in the service of his majesty, his heyres or successours; or by the ships or vessels of any other, by authority from, or under his majesty, his heyres or successours, by letters of mart, or by any other ways whatsoever; or for pyrates goods, or goods and pyrates. taken from pyrates or enemies, which by any means, within the time or term aforesaid, shall come into the said realm of Ireland; as if the same wares, merchandizes and goods, or any of them, had been brought into Ireland by way of merchandize. And for or upon, all or any goods, wares or merchandizes whatsoever, as well exported as imported, or which shall become forfeited to his majesty, his heyres or successours, by virtue of, and according to the late act of parliament passed in England, entituled, “ An
 “ act for the encouraging and encreasing of
 “ shipping and navigation, or any the powers or
 “ clauses therein contained, with all the powers, Or forfeited by the act of navigation.
 “ liberties, priviledges, benefits, profits and ad-
 “ vantages of the said severall, or any other acts
 “ concerning customes or subsidies of tonnage
 “ or poundage, to his majesty belonging or ap-
 “ pertaining, or which he can or may lawful
 “ grant.”

And

Imported
excise.

And also all and all manner of rates, charges, impositions, summes of money, payments, and other duties of excise whatsoever, which at any time or times, and from time to time, after the said feast of the nativity of our Lord now last past, unto the said feast of the nativity of our Lord, which shall be in the said year of our Lord 1632 inclusive, shall, may or ought to happen, come, arise, grow, renew, be due or payable, or are appointed to be paid, unto our said sovereign Lord the king, his heyres and successours, or any of them, for or in respect of any goods, wares or merchandizes, which within the times aforesaid, shall be brought in and imported into the realm of Ireland, from any parts beyond the seas, and for which a duty or payment of excise is of right belonging to his majesty, his heyres and successours, by virtue of the late act of parliament passed in Ireland, entituled, “ An
“ act for the settling the excise or new impost,
“ on his majesty, his heyres and successours, ac-
“ cording to the book of rates therein inserted;” and all other the duties of excise whatsoever, commonly called or known by the name of the foreign and imported excise; and all and all manner of rates, charges, impositions, summes of money, payments and duties of excise whatsoever, which by virtue of the said late act, or
otherwise

otherwise howsoever, shall at any time after the said feast of the nativity of our Lord now last past, unto the 25th day of December 1682 inclusive, grow due and renew, or from time to time during the term aforesaid, ought to become due and payable, and are appointed to be paid, unto his majesty, his heyres and successours, for or in respect of any beer, ale, strong-waters or other exciseable liquors, brewed or made, vended, spent or consumed, within the realm of Ireland; or for or in respect of any the goods, merchandizes or commodities whatsoever, which are of the native growth, production or manufacture of the said realm of Ireland; and all other the said duties of excise whatsoever, commonly called or known by the name of the inland excise, and all other the powers, priviledges, liberties, benefits, profits and advantages, by the said act given or granted to his majesty.

Inland excise.

And also all that the annual rate, duty, imposition, charge, payment or summe of twenty shillings, which shall grow due, and be payable annually, by every such person or persons, who shall yearly be lycensed to sell ale and beer in their houses, by retayl, for or in respect of such lycence; and all other duties, summe and summes of money, which by virtue of the late act of parliament passed in Ireland, entituled,

Beer and ale licences.

“ An act for improvement of his majesties revenue upon the granting of lycences for the selling of ale and beer,” or otherwise howsoever, shall or may at any time from and after the 25th day of December now last past, unto the said 25th day of December, which shall be in the said year of our Lord 1682 inclusive, grow due and renew, or from time to time, during the term aforesaid, ought to become due and payable, and are appointed to be paid, unto our sovereign Lord the king, his heyres or successours, or any of them, and all the powers, liberties, priviledges, fees, perquisites, profits and advantages, by the said act given and granted to his majesty.

Hearth
money.

And also all that the annual rate, duty, charge and imposition of two shillings sterling by the year, due and payable to his majesty, his heyres and successours, for or in respect of any fire-hearth, stove or other place used for firing, within any house or edifice, within the kingdom of Ireland, and which at any time during the term herein aftermentioned, shall become due and payable, or are appointed to be paid to his majesty, his heyres and successours, by virtue of the late act of parliament passed in Ireland, entitled, “ An act for establishing an additional revenue upon his majesty, his heyres and successours,

“ cessours, for the better support of his and
 “ their crown and dignity;” and also of one
 other act, entituled, “ An additional act for the
 “ better ordering and collecting the revenue
 “ arising by hearth money;” or by both or
 either of the said acts: and also all and every the
 powers, liberties, priviledges, profits and ad-
 vantages, in and by the said acts, or either of
 them, vested in his majesty, or in any other per-
 son or persons, to be employed in the execution
 of the same.

And also all those annual quit-rents or pay- Quit-rents.
 ments of three pence per acre yearly, for every
 acre of land English measure within the province
 of Leinster, in the said realm of Ireland; and of
 two pence farthing per acre yearly, for every acre
 of English measure within the province of Mun-
 ster, in the said realm of Ireland; and of one
 penny half-penny per acre yearly, for every acre of
 English measure within the province of Con-
 naght, within the said realm of Ireland; and of
 two pence per acre yearly, for every acre of Eng-
 lish measure within the province of Ulster, with-
 in the said realm of Ireland; and of one shilling
 six pence yearly, out of every twenty shillings
 rent for which any houses or tenements in any
 corporations in Ireland which have been allotted
 to any person or persons, their heyres or assigns;

or towards satisfaction of any arrears due to any commissioned officers who served his majesty, or his royal father, in the wars of Ireland, upon or before the 5th day of June 1649, have been, or shall be lett or demised; and all and every the annual quit-rents and payments, which by virtue of the late act of parliament passed in the kingdom of Ireland, entituled, “ An act for the better execution of his majesties gracious declaration for the settlement of his kingdom of Ireland, and satisfaction of the severall interests of adventurers, souldiers and other his subjects there;” and of another act, entituled, “ An act for the explaining of some doubts arising upon an act, entituled, ‘ An act for the better execution of his majesties gracious declaration for the settlement of his kingdom of Ireland, and satisfaction of the severall interests of adventurers, souldiers and others his subjects there, and for making some alterations of, and additions unto the said act, for the more speedy and effectual settlement of the said kingdom:” or by any other act of parliament whatsoever, or otherwise howsoever, which on the fourth day of September now last past, were in charge, or in being and existent, or which shall, or may at any time after the said feast of the nativity of our Lord God now last past, and before
and

and until the said feast of the nativity of our Lord God, which shall be in the year of our Lord 1682 inclusive, grow due and payable, or from time to time, during the term aforesaid, ought to become due and payable, and are appointed to be paid unto his majesty, his heyres and successours, from all, every or any of the adventurers or souldiers, their heyres or assignes, settled in any lands, tenements or hereditaments, by virtue of the two acts of parliament last mentioned, or either of them; and by or from all and every person or persons, restored unto and reprised, for his and their estate and estates; and by virtue of both or either of the acts aforesaid; and by and from such commissioned officers who served his majesty, or his royal father in the wars in Ireland, at any time before the 5th day of June 1649, their heyres or assignes respectively; and by and from any other person or persons whatsoever. All which said annual quit-rents and payments are by the latter of the two acts of parliament last mentioned, commonly called the explanatory act, charged upon, and enacted to be issued out of all lands whatsoever, which by the said explanatory act, or by the said former act commonly called the act of settlement, were vested in his majesty, or reserved by any decrees in the said explanatory act, confirmed or settled,

or mentioned to be restored, disposed, confirmed or settled unto or upon any person or persons, bodies politick or corporate, by virtue of any clause in both or either of the said acts mentioned, and not particularly by plain and express words excepted from quit-rents in the same clause: and out of all and singular the lands appointed to be set out for augmentation of bishopricks, for indowment of parochial churches with gleabs, for the better support of the provost, or provost and fellows of the colledge of Dublin, for the maintenance of the fort at Dun Cannon, and the benefit of the corporation at Bandon-bridge: and out of all the lands enjoyed by transplanted persons in the province of Connaght, or the county of Clare; and out of all other the lands seized, sequestred or set out, by reason of, or upon accompt of the late rebellion or war (the lands of James duke of Ormond, Elizabeth lady dutchess of Ormond, the earl of Burlington and Cork, the earl of Roscommon, and all the protestants of Ireland heretofore sequestred, onely excepted.

Chief-rents. And also all and all manner of chief-rents, rents-service, rents of inheritance, rents of assize, rents charge, rents seck or dry rents, seefarm rents, rents reserved upon leases made or to be made, *custodiam* rents, composition rents, or composition money, exchequer rents, rents *no-*

mine decime or *vicefine*, assart rents, rents due for purprestures arrented, copyhold rents, and all other certain, ancient and other crown rents, and other rents payable unto his majesty, his heyres or successours, within the said realm of Ireland, which on the 4th day of September now last past, were in charge, or in being or existent, or which at any time after the said feast of the nativity of our Lord now last past, and before and until the said feast of the nativity of our Lord which shall be in the said year of our Lord God 1682 inclusive, shall or may grow due or payable, or from time to time during the term aforesaid, of right ought to be paid unto his majesty, his heyres or successours, by any person or persons, bodies politick or corporate, by reason of any tenure, charter, patent, lease, demise or grant, made or to be made, of any mannors, messuages, lands, tenements or hereditaments, or of any rights, royalties, offices, liberties, franchises and immunities whatsoever within the said kingdom of Ireland.

And all other rents that were in charge the 4th day of September last :

Or shall after grow due during the term of this farm.

And also all and all manner, and every other the revenues, duties, incomes, profits, benefits and advantages, of what nature or kind whatsoever, which upon the 26th day of December now last past, before the date of these presents inclusive, or at any time thereafter, until the 26th day

All other his majesties revenues certain and casual, which shall be due from the 26th of December 1675 inclusive, till the

29th of De-
cember
1682 exclu-
sive.

of December which shall be in the said year of our Lord 1682 exclusive, including the revenues, rents, duties, payments and other the premises, which shall be due for the time which shall be incurred before the said day, though the same, or any part thereof may be payable, or instalments, or time given, or bonds or other security taken, or entered into, for the payment thereof after that day, shall, may or ought to happen, come, arise, grow, accrue, revive, be due, answerable, payable, compounded, accompted for, preserved or appointed to be paid, unto his majesty, his heyres or successours, or to or for his use or uses, from any person or persons, bodies politick or corporate, or for any cause, matter or thing whatsoever in the said kingdom of Ireland, or whereunto his majesty, his heyres or successours, shall or may be justly entituled, in law or equity by virtue or in pursuance of all, every or any of the said statutes or acts before mentioned; or by any other acts, statutes, laws or customes now in force in the said realm of Ireland, or by any custome, usage, prescription, right, prerogative, covenants, conditions, agreements, tenure, charter, patent, lease, demise or grant made of any mannors, messuages, lands, tenements or hereditaments, or of any rights, royalties, liberties, priviledges, franchises and immunities whatsoever, or which
his

his majesty, his heyres or successours, by any other lawful wayes or means, can or may receive within the said kingdom of Ireland, during the said term, whether the same be great or small branches of the revenue, certain or casual, ordinary or extraordinary, or otherwise whatsoever or howsoever hapning or arising within the said realm: excepting onely thereout unto his majesty, his heyres and successours, the penalty hereafter appointed, for nonpayment of the rent hereby reserved: and also except all such new additional or increase of the revenues, subsidies and aydes, as by any act or acts of parliament hereafter to be passed, shall be granted, or given to his majesty, his heyres or successours, and under and subject unto such savings, limitations, restrictions and explanations, as are hereafter expressed.

Excepting such addition to the revenue as shall be after-made by parliament.

To have, hold, ask, demand, take, levy, receive, retain, sue for, recover, use, execute and enjoy, all and singular the premises before demised, granted or farmed, or mentioned, or intended to be demised, granted or farmed, with their, and every of their rights, members and appurtenances whatsoever (excepting onely as is before excepted) unto them the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp,
Edward

The *babendum* for ten years.

Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors and administrators, from and immediately after the said feast day of the nativity of our Lord God now last past, before the date of these presents, for, during and unto the full end and term of seven years, from thenceforth next ensuing, and fully to be compleat and ended to the onely proper use, benefit and behoof of them the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors, administrators and assignes, under the yearly rent and summes of money, and other agreements hereafter in and by these presents reserved, covenanted and agreed, to be paid and performed, in as large, beneficial and ample manner and form, to all intents and purposes whatsoever, as his said majesty may, might or ought to have, take or enjoy the same, by force or virtue of the before-mentioned or any other statute or statutes, act or acts of parliament, or any custome, use, usage, prerogative, prescription, or otherwise, and in as large, ample and beneficial manner, as the said John Forth and his said partners, or any of them, by virtue of the said indenture of demise

In as full
and ample
manner as
any before
have done,
or the king
may grant,
or might

mise to them; or as the said Richard lord viscount Ranelagh and his said partners, or any of them, by virtue of the said indenture of covenants to them made as aforesaid; or as any former farmers, commissioners, officers, ministers or others thereunto authorized by his majesty, did, might, could or ought to have held, taken, levied, received or enjoyed the premises, or any of them, or any part or parcel, parts or parcels of them, or any of them; and as largely, amply and beneficially, to all intents, constructions and purposes whatsoever, as his said majesty may demise, grant or farm the same, or any part thereof, or as his majesty, or any commissioners, officers, ministers or others thereunto sufficiently authorized by his majesty, the lord lieutenant, or other chief governour or governours, and the privy council of Ireland, the treasurer, chancellor, and barons of the court of Exchequer, by all, or any of them might, ought or could have had, taken, levied, received or enjoyed the same, if this indenture had not been made.

have been granted if this indenture had not been made.

Notwithstanding any law, statute, act or acts of parliament; and more particularly notwithstanding the clause in the said act of parliament, entituled, "An act for settling the excize or
" new impost upon his majesty, his heyres and
" successours, according to the book of rates
" therein

Non obstante several clauses in the acts against farming or charging the great branches of the revenue.

“ therein inserted ;” which prohibits any lease to be made thereof, without the chief governour or governours of Ireland, and six or more of the privy council of that kingdom ; and reserving the highest rent which in any one of the seven years next after the passing of the said statute was yielded and paid unto his majesty for the same.

And notwithstanding the clause in the said act of parliament, entituled, “ An act for establishing an additional revenue upon his majesty, his heyres and successours, for the better support of his and their crown and dignity ;” which enacts that all revenues arising by the said act, shall be duly and constantly paid into his majesties court of Exchequer, and shall not be charged or chargeable with any gifts, grants or pensions whatsoever ; and that all and every such grant, and all and every clause of *non obstante*’s therein contained, should be utterly void ; and all and every persons to whom such grants should be past, should be accomptants to his majesty for all monies received by pretext of such grants.

And notwithstanding the clause in the said late act of parliament, entituled, “ An act for the improvement of his majesties revenue upon the granting of lycences for selling ale and beer,” which enacts that all the summes of
money

money due and payable by the said act, shall be duly and constantly paid into his majesties court of Exchequer, and shall not be lett or sett to farm; his majesty intending to retain the same in his own hands, and not interest any private person whatsoever with the profits thereof; and that all and every such lease and clause of *non obstante* therein contained, should be utterly void; and that all such lessees or farmers should be accomptants unto his majesty for all such profits received by virtue of any such grant or farm; and also all and every other act and acts of parliament, statutes, ordinances, orders, instructions, directions, customs, proclamations, letters patents, provisions, restraints or any other matter, cause or thing whatsoever, heretofore had or made, or hereafter to be had or made to the contrary hereof in any wise notwithstanding.

Yielding and paying, and they the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, do by these presents, for themselves and every of them, their and every of their heyres, executors and administrators, covenant to and with our said sovereign Lord the king, his heyres and successours, to yield and pay unto our said
fove-

The farmers
covenant to
pay
240,000*l.*
per annum
by monethly
payments.

soveraign Lord the king, his heyres and successors, the full and clear yearly rent or summe of two hundred and forty thousand pounds of lawful money of England, or so much other lawful and currant money of Ireland as shall be equivalent in Ireland unto the said summe of two hundred and forty thousand pounds per annum of lawful English money, into the receipt of his majesties exchequer at Dublin in Ireland, or by such other payments, and with such other deductions, abatements and allowances, and in such manner, as in and by these presents is particularly limited and expressed, during the time, and at or before the dayes and times, and according to the severall proportions herein after mentioned (that is to say) on the last day of February in the year of our Lord 1675, the summe of five thousand pounds of the like money; and on the last day of March then next coming five thousand pounds of the like money; and on the last day of April then next, the summe of ten thousand pounds of like money; and from thenceforth the summe of twenty thousand pounds of like money, on each and every last day of every calendar moneth in the year, until and on the last day of March which shall be in the year of our Lord 1683, upon which day the last payment is to be made, although the said term will be then expired.

Provided

Provided always, it is intended and agreed, that the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors or assignes, shall or may monethly, out of the before mentioned payments of two hundred and forty thousand pounds *per annum*, default and detained the interest of 60,000*l.* so as aforesaid advanced after the rate of ten *per centum per annum*, from the respective times of payment of any part thereof to his majesties use; the same interest to begin to be defaulted and retained on the last day of April next, and from thence monethly, out of all the succeeding payments of the said two hundred and forty thousand pounds *per annum*, by these presents appointed to be made.

The farmers to deduct the interest of 60,000*l.* monethly, after the rate of 10 per cent. the first deduction to be made the last of April next.

And moreover the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, do farther for themselves and every of them, their and every of their heyres, executors and administrators, covenant to and with his said majesty, his heyres and successours, That if it shall appear at the expiration of the said term of seven years, that

The farmers covenant that if they make *communibus annis* above 238,000*l.*

out

20,000l.
monthly be-
ing paid into
the Exche-
quer, the
remaining
4,000l. to
be to the
farmers
without ac-
compt.

out of the whole product of the said revenue, the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors and assignes, or any of them, shall have *bona fide* made and received *communibus annis* or one year with another, the full summe of two hundred eighty eight thousand pounds *per annum*, for and during the said whole term of seven years, being twenty four thousand pounds every calendar moneth one moneth with another during the said term, whereof twenty thousand pounds every calendar moneth one with the other is to be paid unto his majesty, in manner and form above mentioned, and the other four thousand pounds every calendar moneth, being forty eight thousand pounds *per annum*, if so much shall be *bona fide* received and made of the said revenue, above his majesties rents before mentioned, according to the true intent and meaning hereof is to be taken, held and enjoyed, to the proper use and behoof of the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors and assignes,
without

without any manner of accompt for or in respect of the same, unto the kings majesty, his heyres and successours, that then and in such case the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors and assigns, having first deducted out of such surplus which shall be made and received out of the product of the said revenue, over and above the said two hundred eighty eight thousand pounds *per annum communibus annis*, one sixth part, being three shillings four pence in the pound, to the sole and proper use and behoof of the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, without accompt as aforesaid, they the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors or assigns, will pay to his majesty, his heyres or successours, the remaining five sixth parts or sixteen shillings eight pence in the pound of the said surplussage, to be disposed and im-

That what shall be made over and above the said 288,000*l.* per annum *communibus annis*, one sixth part being deducted by the farmers without accompt.

The residue to be applied to such publick uses for the benefit of his majesties subjects in Ire-

land, as the farmers shall humbly recommend, and his majesty approve of.

ployed to such publick uses for the benefit of his majesties subjects in Ireland, as the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stan-yan, John Gourney and Thomas Sheridan, or the survivors or survivor of them shall humbly recommend, and his majesty upon advice from the chief governour or governours of Ireland shall think fit and approve of.

If the rent be unpaid in part or in all 30 days after the days of payment, the farmers to forfeit one moneths interest of the 60,000l. at 10l. per cent.

Provided alwayes, That if at any time or times hereafter, the said severall and respective rents or summes of money abovementioned, and reserved or covenanted or agreed to be paid; or any parcel thereof, shall be behind, contrary to the true intent and meaning of these presents, by the space of thirty days after any of the days of payment, on which the same ought to be paid (the defaulcation justly due and allowed being first deducted) That then, and in every such case and for every such default, the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stan-yan, John Gourney and Thomas Sheridan, their executors, administrators and assignes, shall forfeit and lose one moneths interest of the said sixty thou-

APPENDIX, N. VI.

275

thousand pounds advanced after the rate of ten pounds *per centum per annum*.

Provided also, That if the rents and summes of money in and by these presents reserved or agreed to be paid, or any part or parcel thereof, shall be at any time or times behind or unpaid by the space of forty dayes more next after the said thirty dayes before limited, that in such case the lord lieutenant, or other chief governour or governours of Ireland, and council there for the time being, or any six or more of them, whereof the lord lieutenant, or other chief governour or governours for the time being to be alwayes one or more, shall after failure of payment as aforesaid, by any order in writing to be left at the place where the head-office for the revenue shall be kept, or at the custome-house at Dublin in Ireland, or to be sent thither by any messenger, summon or cause to be summoned the said Sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, or any of them, their or any of their executors or administrators to appear before them, to shew cause why the said farm should not be seized, and having heard his or their allegations, or in default of their appearance, shall

If behind 40 days after the 30, the king may seise the farm.

under their hands and seals signifie unto them the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, and the survivor and survivors of them, their executors, administrators and assignes, their pleasure that the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, or the survivor or survivors of them, or of his or their executors, administrators or assignes, shall forbear to act or intermeddle any further in the management or administration of the said farm, and shall leave such signification at the chief office, or the custome-house in Dublin; that then and from thenceforth, in every or any such case, it shall and may be lawful to and for his majesty, his heyres and successours, to seise the said farm, and also the said duties hereby granted and demised, as aforesaid, into his and their hands, his majesty, his heyres and successours, first satisfying and paying unto the said farmers so much as his majesty, his heyres and successours shall have of the said advance money, with interest thereof, after the said rents and all other arrears of rent reserved

reserved by these presents, with the forfeited interest for non payment of any such rents or monies arrear, shall be first satisfied; and thereupon and immediately from thenceforth, these presents and all and every clause, article and thing therein contained, which on the part of his majesty ought to be performed, shall cease, determine, and be utterly void and of none effect, as if these presents had not been made without any office, inquisition, *scire facias*, process or other matter or thing whatsoever, whereby to avoid and determine the same: and then his majesty may demise and lett the same to farm, unto any other person or persons, who will contract and agree for the same, or otherwise dispose thereof, any thing in these presents contained to the contrary notwithstanding.

Nevertheless the revenue and profits of all or any the premises, which shall have been received by the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors, administrators or assignes, or any of them, between the last monethly day of payment next preceding such failure of payment and the time of seising the farm, shall be duly and truly answered and

And be answered the profits received between the day for which the rent ought to have been paid, and the time of seising the farm.

paid unto his majesty, his heyres and successours.

The king covenants, that if there shall be any foreign wars between his majesty and any other Christian king, or the states of the United Provinces, that so many years of peace shall be added to their term as are the number of the several years in which such wars have been under the said rents and covenants, without deduction.

And his majesty doth hereby for himself, his heyres and successours, covenant, grant and agree to and with the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sene, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, That in case within the seven years time of this grant, or before the end and determination thereof, any foreign wars be between his majesty, his heyres or successours, and any other Christian king, or the states of the United Provinces, that so many further years, under the same rents and covenants, shall be granted unto them, and added unto this present term, as are the number of the several years in which such wars shall have been, during any part of the said term; and all such dayes of grace shall be given for such time, in respect of every year wherein such war shall have been, as his majesty, his heyres or successours, or the chief governour or governours of Ireland, for the time being, shall think fit and reasonable, upon consideration had of all circumstances concerning the same: the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sene, William Muschamp, Edward Rich-

Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, being to have no other considerations or allowance, for or by reason of such foreign war.

And the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, for themselves, their heyres, executors and administrators, and every of them, do covenant, grant and agree to and with the kings majesty, his heyres and successours, That they or some of them shall and will advance and pay unto his majesty for his service, on or before the eighth day of May now next coming, twenty thousand pounds sterling, to be secured and repaid upon and out of the quit-rents, crown-rents, and other rents herein demised, as is herein after expressed, with interest in the mean time after the rate of ten pounds *per centum per annum*, to be deducted monethly out of the rents hereby reserved, in like manner as the interest of the said sixty thousand pounds is before limited to be paid.

The farmers covenant to advance 20,000l. by the 8th day of May next to be secured by the quit-rents at 10l. per cent. per annum to be deducted monethly out of the rents.

And his majesty for himself, his heyres and successours, doth hereby further covenant, grant and agree to and with the said sir James Shaen, William Hill, William Ryder, Thomas Hoare,

The king covenants to give a security by quit-rents for all advance money with interest and

exchange
current
from Dublin
to London
at the time
of repay-
ment,

Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, That his majesty immediately after the date of these presents, shall and will for the security of the said monies advanced and to be advanced, grant unto the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors and assignes, a lease for the term of seven years, to commence immediately from and after the expiration or determination of these presents, of all and every the crown-rents, quit-rents and other rents herein before demised, at and under the yearly rent of one pepper corn, to be conditioned, that upon the repayment at the Toleseell in Dublin in the kingdom of Ireland, of the said money advanced and to be advanced, with interest thereof at ten pounds *per centum per annum*, together with the exchange currant from the city of Dublin to the city of London, at the time or times of such repayment, the same term to be void.

Saving li-
berty to the
Foorths and
lord Rane-
lagh to col-
lect their
appears.

Provided alwayes, and it is hereby covenanted, concluded and agreed upon, by and between the kings majesty, and the said sir James Shaen, William Hill, William Ryder, Thomas Hoare,
Francis

Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan; and so it is hereby explained and declared, That all and singular the premises are intended, meant, and are so to be construed and understood, to be granted, demised, held, used, exercised and enjoyed by the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors and assignes, according unto and under the savings, limitations, restrictions and explanations herein after following, (that is to say) That the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors or assignes, shall not nor will not obstruct or hinder the said John Forth or his partners, from the collecting, levying or receiving to their own use, of the arrears which shall be justly due or payable unto them by virtue of their said grant of demise, but that they shall and may receive and enjoy the full benefit of the said indenture of demise to them made, according to the true intent and meaning thereof, as if this inden-

indenture had never been made. And that they the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors or assignes, shall not nor will not obstruct or hinder the said lord viscount Ranelagh and his partners, in the having, levying or receiving to their own use, of all the rents which by his majesties said indenture of covenants are payable unto them by the said John Forth and his partners, for or in respect of their said indenture of demise, though some part of the rents reserved unto them will be due and payable after the twenty fifth day of December last past. Neither will they hinder nor obstruct the said lord viscount Ranelagh and his partners, in receiving, collecting or levying all or any the arreares which by the said indenture of covenants they ought to have or receive, but that the said lord viscount Ranelagh and his partners, and all others therein provided for, may receive and enjoy the full benefit of the said indenture or covenants, as if this present indenture had never been had or made.

The port of
Kingsale to
be a free
port.

And that the port of Kingsale in Ireland shall with all convenient speed be a free port, under such rules as in pursuance of the thirteenth rule
of

of the act for subsidies of tunnage and poundage, shall be agreed upon by the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors or assignes, and shall be approved of by the chief governour or governours and council, in Ireland for the time being.

And further, that they the said farmers shall not under colour or pretence of this present demise or grant, do or suffer to be done any act or acts, thing or things that may be hurtful or prejudicial to the butlarage or prisage of wines, or to the office of the kings majesties butlar of the said realm of Ireland. And that nothing herein contained shall extend, or to be construed to extend to prejudice any letters patents or grant heretofore made under the great seal of England or Ireland, or either of them, unto James duke of Ormond, or any his ancestours, of the prisage of wines, which shall become due and payable within his majesties said kingdom of Ireland, during the said term of seven years; but that the said James duke of Ormond, his heyres and assignes, shall and may fully, clearly and absolutely (paying onely unto the said sir James Shaen, William Hill, William Ryder, Thomas Hoare,

The farmers not to do any thing to the prejudice of the butlarage or prisage of wines.

Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors or assignes, the usual duties or rents accustomed to be payd), receive the full benefit of all and every such letters patents, according to the true purport and meaning of them and every of them.

The French
tunnage to
be allowed.

And that sir George Cartrett and such others as are concerned with them in the grant of the French tunnage, shall and may enjoy the same, without any interruption or hindrance of the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors, administrators or assigns, he the said sir George Cartrett, and others concerned with him, paying the growing rents thereout reserved and payable to his majesty, unto them the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors or assigns.

The earl of
Arran to
have aul-
nage.

And that Richard earl of Arran shall and may enjoy the full benefit of the aulnage, according to the tenor of the grant thereof to him made,
paying

paying unto the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executours or assignes, the growing rents thereby reserved and payable to his majesty.

And that they the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, or their executors and assignes, shall and will during the continuance of this present grant, allow to all and every merchant, skipper and mariner of any ship or vessel, such provisions, favours, portage and stores, as are or ought to be allowed and made, by and according to rates and rules set down and expressed in the book of rates now established; and also shall and will at all and every time and times within the said term of seven years hereby granted as aforesaid, permit all such foreign beer and provisions for every ship and vessel, which during the said term shall happen to be bound to pass out of the said realm into any the parts or places beyond the seas, as the customers and contrrollers of the ports from whence it shall pass, or their deputies or some or

The farmers to allow portage and provision for mariners.

As the customers and contrrollers shall think fit.

one

one of them shall in their discretion think fit, reasonable and convenient, the same to be set down in writing under the hands of them or some of them, to remain and be registered in every port and creek of the said realm with the officers there, and without payment of any custome, subsidie, duty, summe or summes of money, fee or other thing for the same.

Any difference therein to be regulated by the chief governor and six of the council.

Allowances to be made to such as build ships according to the acts.

And if any difference shall arise about the same, the same to be regulated by the chief governor and any six of his majesties council of his said realm of Ireland.

And shall and will from time to time and all times during the said term of seven years, hereby granted as aforesaid, remit and abate all and every person and persons, that shall build or cause to be built, within any of his majesties dominions, any ship or vessel of three decks, or two decks and an half with a fore-castle and five foot betwixt each deck, mounted with thirty pieces of ordnance at least, and other ammunition proportionable, for the two first voyages that the said ship or ships shall make from his majesties dominions to any foreign parts, one tenth-part of the customes that should have been payable to his majesty, his heyres and successors, if this indenture had not been made, for all such goods and merchandizes as shall be exported or imported

imported in any of the said ship or ships, to and from the said kingdom of Ireland, according to the purport, intent and true meaning of the late act of parliament past in England, for preventing frauds and regulating abuses in his majesties customes, and provisions and clauses therein in that behalf provided and made.

And also shall and will in like manner permit and suffer all and every such person and persons, as shall have lycence to depart out of the said realm into any the parts beyond the seas, by bills signed by the kings majesty, his heyres or successours, or by warrant from the lord lieutenant, or other chief governour or governours of the kingdom of Ireland for the time being, to pass and depart out of the said realm, according to such lycence, at any time during the continuance of these presents, without the lett, hindrance or disturbance of the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sene, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors, administrators or assignes, or any of them, their or any of their deputies or servants, free of custome for their apparel onely, and without demand or challenge of any custome, subsidy, duty, summe or summes of money due for the same.

Persons that travel by the king or chief governours warrant to have apparel custome-free.

And

Buffe coats,
arms and
ammunition
licensed by
the chief go-
vernour to
be custome-
free.

And that such buffe coats, armes and ammu-
nition as shall be lycensed by the lord lieutenant,
or other chief governour or governours of Ire-
land, to be imported into, or exported out of
Ireland, for the use and service of his majesties
officers and souldiers in his armies and garrisons,
shall also be custome-free.

Presents of
honour to
be custome-
free.

And shall also at all and every time and times
during the continuance of this present demise,
permit and suffer all such goods, wares, merchan-
dizes or jewels which shall happen to be sent or
carried out of, or brought into the said realm, for
presents or gifts of honour, to or from the kings
majesty, his heyres or successours, to pass cus-
tome-free, and without demanding of any cus-
tome, duty, summe or summes of money, for or
by reason of the same.

Eight
months time
for strangers
to transport
goods im-
ported, the
property not
altered.

And that they the said sir James Shaen, Wil-
liam Hill, William Ryder, Thomas Hoare,
Francis Sone, William Muschamp, Edward
Richbell, Stanhop Mill, Lawrence Stappan,
John Gourney and Thomas Sheridan, and their
executors and assignes, from time to time during
the said term of seven years, shall and will per-
mit every merchant, alien or stranger, his and
their deputies, factors and servants, and every of
them, which have brought any goods, wares or
merchandizes from any the parts beyond the seas
into

into the said realm of Ireland, being no goods prohibited to be brought into or carried out of the said realm, by any statute or restraint, and having paid the customes and subsidies inward due for the same, to transport and carry out again the same goods, wares and merchandizes (the property or nature thereof not being altered or changed) out of any the ports or creeks of the realm of Ireland aforesaid, into any the parts beyond the seas, at any time within eight moneths next after the first entry of the same in the custome-house books upon the first bringing thereof into the said realm, free from all custome outward, and without demand or challenge of any custome, subsidy or duty of any such transportation outward for the same.

And likewise shall permit and suffer every merchant being his majesties subject, his deputies, factours, servant or servants, and every of them, from time to time during the continuance of this grant, which shall have brought goods or merchandizes from any the parts beyond the seas into the said realm of Ireland, being no goods prohibited to be brought into or carried out of the said realm by any statute or restraint; and there having paid the customes and subsidies inwards due for the same, to transport and carry out the same goods, wares and merchan-

Twelve
moneths
time allowed
for his ma-
jesties sub-
jects.

dizes (the property and nature thereof not being altered or changed) out of any ports or creeks of the said realm into the parts beyond the seas, at any time within one year next after the first entry of the same into the custome-house books upon the first bringing thereof into the said realm, free from all custome outward, and without demand or challenge of any custome, subsidy, duty, for any such transportation of the same as aforesaid.

Licence to transport wooll, wooll-flocks, and wooll-fells, reserved to his majesty, and to pardon offences against the statutes of the 11th and 13th of Elizabeth.

And that nothing herein contained shall extend, or be construed to extend to interrupt or make void any orders, directions or authorities formerly granted by his majesty under the great seal of Ireland, to give lycences or dispensations for the transportation of wooll, wooll-flocks, or wooll-fells, into his majesties kingdom of England onely, and not elsewhere: or to grant pardon of offences committed by reason thereof, by the statutes made in the eleventh and thirteenth years of the reign of the late queen Elizabeth in that case made and provided; and of the forfeitures and penalties to his majesty by the said acts, or either of them, nor to give any disturbance to the execution of the like authority, granted or to be granted by his majesty, his heyres or successours, at any time during the continuance of the said demise, unto any his majesties chief

chief governour or governours of Ireland for the time being.

Nevertheless the subsidies of tunnage and poundage, and other duties by law due and payable to his-majesty, his heyres and successours, of and for the said wooll, wooll-flocks and wooll-fells, (other than what hath been usually paid unto the lord lieutenant or other chief governour or governours of Ireland, for such lycences and dispensations) are and shall be preserved and paid unto the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors and assignes; during the term hereby granted.

Tunnage and all other duties by law due, reserved to the farmers.

And that the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors and assignes, shall and will in all cases where any payments are or shall be due, by any spiritual or ecclesiastical persons in Ireland, for or in respect of any first fruit or twentieth parts, permit and allow all and every such persons to have, receive and enjoy the full use and benefit of such instalments for the payment thereof, as by law, or the

The farmers to allow instalments for first fruits.

And to be concluded by the returns made or to be made by such commissioners as are or shall be authorized thereunto.

usual custome or practice in such case, is or hath been allowed, they doing and performing on their parts what in the like cases hath been accustomed; and shall and will accept of, and be concluded by, such values of the first fruits and twentieth parts, due from and payable by the said spiritual and ecclesiastical persons, as shall appear upon the returns made, or to be made, by such commissioners who now are, or hereafter shall be, authorized and appointed thereunto, under his majesties great seal of Ireland.

If any defect shall be found by the chief governour and council for the time being, in the commissions which now are, or hereafter shall be issued, his majesty upon suit of the farmers will give order for rectifying thereof.

Nevertheless if any defect is or shall be found, by the chief governour and council of Ireland, for the time being, in the commissions which now are or hereafter shall be issued; his majesty upon the humble suit of the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors or assignes, will give such effectual order, for the rectifying and renewing of such commissions and proceedings thereupon, in as full and ample manner, as his majesty could or might lawfully have done, if this present indenture had not been made.

The farmers not to levy reliefs without his ma-

And that the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone,

Sone, William Muschamp, Edward Rickbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors and assigns, or any of them, shall not, nor will not at any time or times hereafter, without the consent or permission of his majesty, his heyres or successours, levy or sue for any reliefs, which are or shall be due to his majesty, his heyres or successours, from the proprietors of lands held in soccage, in the said kingdom of Ireland; but that the same, if his majesty shall think fit, may be pardoned, or respited, or managed, levyed and brought into his majesties exchequer by his own proper officers; and such part thereof as shall be payd into the exchequer at Dublin, or elsewhere, to his majesties use, during the continuance of this demise, be accompted as part of the yearly rent herein before reserved, and shall be allowed to the said farmers, as other the allowances herein after mentioned, or to be made unto them, according to the authorities and directions herein given; or without any other or further warrant in that behalf.

And also it shall and may be lawful for his majesty, his heyres and successours, out of his or their grace and bounty, to abate or reduce one thousand pounds *per annum* of the quit-rents, which now are, or which were in charge or in be-

jesties consent; but if any be brought into the Exchequer to be to the farmers use.

The king of his bounty may abate 1000l. per annum out of quit-rents without defalcation.

ing, upon or after the fourth day of September last past, within his said kingdom of Ireland, without allowing any defalcations for the same unto the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors, administrators or assignes.

The king
may moderate
quit-rents upon
course lands
to the value
of 4000l.
per annum,
without de-
falcation.

And if his majesty, his heyres or successours, shall think fit to moderate the quit-rents upon the most course, barren and insolvent lands, within the said kingdom of Ireland, so as to encourage plantation, and answer the intention of the clause in the thirty-seventh page of the act, commonly called the act of explanation, the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors or assignes, being to be heard, by the lord lieutenant, or other chief governor or governours of Ireland, as well concerning the values of the said respective lands whereof the quit-rents are to be moderated, as also in all other transactions concerning the quit-rents so to be moderated, his majesty shall allow no defalcations for four thousand pounds *per*

annuum

annum of such quit-rents so to be moderated, and which are now, or upon the said fourth day of September last were charged upon the most course, barren and insolvent land.

Provided also, and it is hereby declared and agreed, that it shall and may be lawful to and for his majesty, his heyres and successours, from time to time and at all times hereafter to give, grant, demise, lease or confirm unto any person or persons, all and every or any of his majesties manors, messuages, houses, castles, lands, tenements or hereditaments, or mines royal within the realm of Ireland, which are yet undisposed, or whereunto his majesties right and title shall at any time hereafter be made appear, for such terms or estates as his majesty, his heyres or successours shall think fit; so as upon every such gift, grant, demise, lease or confirmation, such rents be alwayes reserved, as at least shall be equivalent and proportionable to the new quit-rents, which by the late acts of settlement and explanation are payable by adventurers and soldiers, or to the ancient crown-rents, if the same shall exceed the quit-rents.

The king may grant or confirm to any person manors, &c.

Reserving a rent equivalent to a new quit-rent, or a crown-rent exceeding a quit-rent.

And also that the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Rickbell, Stanhop Mill, Lawrence Stanyan,

The farmers for recovery of quit-rents not to dispossess any person without licence,

nor deprive
any person of
the benefit of
the acts of
settlements.

John Gourney and Thomas Sheridan, their ex-
ecutors, administrators or assigns, or any of
them, shall not in order to the recovering of any
quit-rents, or other rents due to his majesty, and
by virtue of these presents payable to them, or
for any other cause, dispossess or expel any person
or persons, bodies politick or corporate, out of
any lands, tenements or hereditaments, whereof
he or they is or shall be in possession, or do or
shall have received the rents, issues and proffits,
without the leave or approbation of his majesty,
his heyres or successours, or of the lord lieu-
tenant or other chief governour or governours of
Ireland for the time being, in writing under his
or their hands, first had and obtained. Nor shall
do any act to deprive any person or persons, bo-
dies politick or corporate, in possession of any
lands, tenements or hereditaments, of the benefit
of the acts, commonly called the acts of settle-
ment and explanation; nor obstruct the further
execution of them, or either of them, nor hin-
der his majesty, his heyres or successours, to re-
lease, confirm or corroborate the estate of any
person or persons, bodies politick or corporate,
in possession of any lands, tenements or heredita-
ments, within the said kingdom.

The farmers
to have the
benefit of all
lands.

And it is hereby agreed and declared that the
said sir James Shaen, William Hill, William
Ryder,

Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors and assignes, shall and may, during the continuance of the said term, have, hold and enjoy the mesne profits, benefits and advantages, of all and every the forfeited and other lands, tenements and hereditaments, in the said kingdom, which are or shall be, during the said term, in the hands and actual possession of his majesty, his heyres and successors, of which he or they, hath or shall have at some time before actually received the issues and profits, other than quit-rents. Except his majesties castles, fortresses, houses and parks, and the lands possessed by transplanted persons into the province of Connaught, or the county of Clare in the said kingdom of Ireland. And except lands seized in respect of debts assigned in aid, or for outlawries, at the suit of the subject: and to improve and dispose of the same, according to law, to the best advantage, so long as they continue in his majesties hands, and until the next feast of St. Michael the archangel, or the annuntiation of our Blessed Lady, inclusive, after they shall be granted away: and the grantees thereof from thenceforth to pay the rents which shall be reserved on their respective grants unto the

Which are or shall be in his majesties actual possession during the term. Except fortresses, houses and parks, and lands possessed by transplanted interests in Connaught and Clare. And except lands seized in respect of debts assigned in aid, or for outlawries at the suit of the subject. And to dispose of the same until Lady day or Michaelmas after, they shall be

profits of courts, herriotts and amerciaments, issues of jurors, and all fines, amerciaments or compositions for forfeitures, forfeited or estreated recognizances for non appearances and offences or omissions of that nature, and all penalties and forfeitures whatsoever which shall be incurred by the breach of any statute, or for any offence against the common law, or by reason of any trespass, misdemeanour, offence, contempt or neglect whatsoever, and all other particulars within the survey or summons of the green wax, shall during the time hereby demised or mentioned to be demised, be managed, settled, ordered, levyed, collected, answered, accompted for and payd into his majesties exchequer in Dublin, by such of his majesties officers and ministers within whose care, management and power the said last mentioned casual revenues and proffits, according to the usual course of the lawes and customes of the said kingdom of Ireland, do or ought to remain and continue, during the said term; yet so as such part thereof as shall be answered and payd into the receipt of his majesties exchequer, or to his use, shall be deducted and abated, and the same is to be reckoned, accounted and allowed, from time to time, as part of the rents herein reserved to be paid unto his majesty.

the kings
officers, but
to be allowed
as part of
the rent.

Neverthe-

The farmers
may inspect
the casual
revenue to
see it be duly
answered.

Nevertheless the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors or assignes, shall and may from time to time inspect and supervise the said casual revenue, and take care that whatsoever shall be levied and taken from his majesties subjects, or out of their estates, to his majesties use, may be duly answered, accompted for, and paid into his majesties exchequer, by such person or persons who shall levy and receive the same, or into whose hands the said casual revenue or any part thereof shall come.

The king
may pardon
offenders
criminal or
capital, or
reduce or
suspend for-
feited recog-
nizances, or
any thing
within the
survey of
the green
wax.

Provided also, that nothing in this present indenture contained, shall be expounded or taken, or shall any wayes extend to hinder, weaken, lessen or restrain his majesties royal authority, power and prerogative, of pardoning any offender or offenders criminal or capital; or in the remitting, releasing, reducing, or otherwise suspending or mitigating any forfeited recognizances concerning the peace or good behaviour, or concerning appearances, or any other particulars under the survey of the green wax; or in the remitting, pardoning, or discharging any fines or forfeitures, which are or shall be incurred, for
not

not inrolling of letters patents, or for or by reason of any offence committed, done, or suffered against the penal lawes or statutes of his majesties realm of Ireland, or against the common lawes of the land, or in the remitting, pardoning and discharging of any outlawries which already are, or hereafter shall be incurred, or any forfeitures or penalties by reason thereof, but that it shall and may be lawful to and for his majesty, his heyres and successours, to use and exercise his and their power, prerogative and authority royal in all and every such cases aforesaid.

And also to issue out such and so many commissions, unto such person and persons to fit as is accustomed in the exchequer chamber at Dublin, as shall be thought fit, thereby empowering and authorizing them to make such reducements and abatements of the summes of money owing, or which hereafter shall grow due unto his majesty, his heyres and successours, by reason of such penalties and forfeitures as they shall think fit, and hath formerly been accustomed in like cases, so as the same extend not to any part of the great or certain branches of his majesties revenue, nor unto any forfeitures, penalties, or other matter or thing relating thereunto.

And to issue commissions for reducements as formerly.

But not to extend to the great or certain branches of the revenue.

And so that it shall and may be lawful to and for his majesty, his heyres and successours, to pardon,

The king may mitigate or pardon all debts

or arrears of the revenue, which were due before the 26th of December last without defalcation.

pardon, discharge, mitigate or instal all or any debts or arrears of the said revenue, of what nature or kind soever, which have incurred, grown due, or were payable before the said twenty sixth day of December last past, without allowing unto the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors and assignes, any defalcations for or by reason thereof.

The farmers or so many of them as shall have authority from the rest, to be always resident in Ireland.

And also the major part of them the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors or administrators, or their respective deputy or deputies, or so many of them as shall have full power and authority from the rest, shall and will alwayes during the said term be resident in Ireland, fully impowered in all things to give satisfaction to all demands that shall be made by his majesties chief governour or governours there, in relation to his majesties service, or the performance of the covenants or agreements herein contained on the lessees part, to be performed without delay, or pretence of sending

sending for instructions from any of their partners residing in England or elsewhere.

And that they the said farmers shall and will, during his majesties pleasure, permit any persons not exceeding the number of five, whom his majesty, his heyres or successours, shall from time to time appoint as commissioners, to sit once a week, or oftner, if the lord lieutenant or other chief governour or governours of Ireland for the time being shall think fit, with them the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, and such others as are or shall be, during the said term, constituted and appointed his majesties chief commissioners and governours of his majesties revenue in Ireland, in order and to the end that the said persons or commissioners may be from time to time fully informed what the said revenue hath produced, by virtue of this demise, and what monies are due to the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, by virtue of the same how much they have received, and what monies have been actually

The farmers to admit any persons not exceeding five to sit with them, to inform his majesty

what the revenue hath produced.

What monies are due to the farmers.

How much they have received, and what

have been paid to his majesty, that in case of miscarriage, timely remedy may be used for securing his majesties rent.

ally payd unto his majesty, his heyres and successours, and what remains at any time due to him, or them, and what effects there are to answer the same, to the intent that in case of any miscarriage, his majesty, or the lord lieutenant or other chief governour or governours of Ireland for the time being, may use such timely remedy, as may be convenient and lawful for securing his majesties rents, according to the intent of these presents.

The chief governour may direct the vice-treasurer to assign such money as the farmers shall have in the out ports, to such persons as the chief governour shall think fit, and upon payment of such assignments to have exchequer acquittances.

And his majesty doth hereby require and command the lord lieutenant, and all other chief governour or governours of Ireland for the time being, that he or they do from time to time, as he or they shall find it to consist with the service of his majesty, his heyres and successours, direct and cause the vice-treasurer of Ireland for the time being, to assign such summes of money as they the said farmers shall have in the out ports, and other places remote from the city of Dublin, to such officers of the army or other persons, as the said lord lieutenant or other chief governour or governours of Ireland shall think fit, for the payment of the military or civil list, and that upon payment of such assignment, there shall be forthwith given exchequer acquittances and discharges for the said summes as part of the rents reserved by these presents.

And

And our said sovereign lord the kings majesty for himself, his heyres and succeffours, doth further covenant, promise and grant to and with the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors, administrators and assignes, by these presents, That if our said sovereign lord the king, his heyres or succeffours, or any of them, or any others joyntly or in common together with the kings majesty, his heyres or succeffours, shall at any time hereafter, during the continuance of this demise or lease, bring or cause to be brought by way of merchandize from any the parts beyond the seas into this realm of Ireland, or shall carry or cause to be carried by way of merchandize out of his realm of Ireland into any the parts beyond the seas, any goods, wares, merchandizes, (the customes, subsidies, imposts and duties whereof are by these presents mentioned or intended to be demised or granted) belonging to our said sovereign lord the king, his heyres and succeffours, or to any of them, or others joyntly or in common, or to be brought or carried forth by way of merchandize for the use or accompt of his majesty, his heyres or succeffours, solely, or

If the king shall import or export any thing by way of merchandize.

The duty to
be deducted
out of the
rent.

jointly, or in common with others, or for the sole adventure of his majesty, his heyres or successours, or the adventure of any of them and others together ; that then and so often the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors, administrators and assignes, shall upon such due proof made and allowed, as in these presents is expressed, for any other deduction and defalcation by them to be made, have defalcations, deductions and abatements out of the yearly rents or summes of money before by these presents mentioned to be reserved, covenanted or agreed to be payd of and for the customes, subsidies, excizes and other duties and premisses hereby demised, of the said goods, wares or merchandizes so to be imported or exported, according to such rates and proportions as shall be due or payable to the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors, administrators or assignes, by the true meaning of these presents, for the like goods, wares and merchandizes, of

11. 30 Irish

Irish subjects of his majesties kingdom of Ireland, to be brought in or carried out of the said kingdom by way of merchandize, by or for the proper adventure of the said subjects; his majesty, his heyres or successours, having no property or interest in them. And that the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors, administrators and assigns, shall and may from time to time deduct, retain and keep the same summes of money, so by these presents agreed to be defalked and deducted as aforesaid, in their own hands and to their own use, out of the yearly rents or summes of money before reserved or mentioned to be paid by these presents.

And that the said lord lieutenant, or other chief governour or governours of Ireland, and council there, or any six or more of them, whereof the lord lieutenant or other chief governour or governours of Ireland for the time being, to be always one or more, shall by force of these presents, and upon sight hereof, or of the inrolment or exemplification hereof, have full power and authority upon such due proof as aforesaid, to make and allow from time to time such and

The chief governour and any six or more of the council, have power to make allowances thereof.

Which shall
be allowed
of in the
exchequer.

The king
requires all
his officers
not to do
any thing
to lessen the
farmers
profit.

the same defalcations, deductions and allowances, according to the true intent and meaning of these presents, without any other or further warrant or declaration of the pleasure of his majesty, his heyres or successours, in that behalf to be had, procured or obtained, which allowances and defalcations so made, shall be of full force and effect in his majesties court of exchequer in Ireland, and all officers and ministers of his majesties revenue there, are required to observe the same accordingly.

And his majestie doth hereby for him, his heyres and successours, also strictly charge and command that none of the officers, ministers or servants whatsoever they be or shall be, of our said sovereign lord the king, his heyres or successours, in any wise, by colour, pretence or means of their offices, or otherwise, during the continuance of this demise or lease, shall wittingly or willingly withdraw, conceal, deny, withhold or diminish from the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors, administrators or assignes, or any of them, any of the said customes, subsidies, imposts, payments and summes of money in lieu of customes, subsidies, imposts, or any of the duties of excise for goods

goods imported, or other benefits by these presents mentioned to be demised or granted to the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, or any thing to be by them or any of them had, done, used or enjoyed, by virtue of or according to the true meaning of these presents, in respect of the same customes and premisses to them the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, mentioned to be demised, granted, or agreed to be by them, taken, had or enjoyed, or of any of them, upon pain of fyne and imprisonment of the said offenders therein for his or their first offence, and loss of his or their offices for his or their second offence, the said pains and penalties to be inflicted upon the said offenders, by the lord treasurer of Ireland, chancellor, and barons of the exchequer there for the time being, or any three or more of them, whereof the lord treasurer of Ireland for the time being (when there shall be a lord treasurer of Ireland) to be one; or in default of a lord treasurer, then the chancellor of the exchequer for

Upon pain
of fyne and
imprison-
ment for
the first of-
fence, and
loss of office
for the se-
cond.

the time being, to be one; upon complaint by English bill in the court of exchequer-chamber there in that behalf to be made.

The farmers
to have free
access to all
books con-
cerning cus-
tomes and
excise.

And our said sovereign lord the kings majesty for himself, his heyres and successours, doth of his especial grace, certain knowledge and mere motion grant that they the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors, administrators and assignes, and every of them, their and every of their servants and deputies, shall and may from time to time, during the continuance of this present grant, have free access to all books, registers, bonds or other writings whatsoever taken, made, kept or preserved, or to be taken, made, kept or preserved by any customers, controllers, surveyors, commissioners or collectors of excize, or other officers of his majesty, his heyres and successours, whomsoever serving or attending, or which during the continuance of this present grant in force shall serve, or have any charge in any custome-house, or to, for, or about any customes, subsidies or impost, or duty of excize for goods imported, or other the premisses hereby demised or mentioned to be demised, or any of them.

And

And that the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors, administrators and assignes, and every of them, their and every of their servants and deputies, shall and may from time to time, during the continuance of this present grant in force, at their wills and pleasures take notes and coppies of their said books, registers, bonds or writings, to the intent thereby to be the better informed of such customes, subsidies, imposts, duties of ex-cize, summe and summes of money, as are in and by these presents mentioned to be demised.

And liberty
to take cop-
pies thereof.

And for the better recovery, collection, hav- ing and enjoying of the same, without the lett, hindrance, denial or disturbance of the said cus- tomers, surveyors, contrrollers and other the offi- cers aforesaid, the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gour- ney and Thomas Sheridan, their executors, ad- ministrators, assignes, deputies, servants and fac- tors, and every of them, by vertue of these pre- sents shall have full power and authority at all time and times, and from time to time, during

The farmers
with the
knowledge
of the cus-
tomer, &c.
may execute
all manner
of composi-
tions and
agreements
which may
be done by
law concern-
ing cus-
tomes, &c.

the continuance of this present grant in force, when it shall seem good, and meet and expedient to them the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors, administrators, deputies, servants and assignes, with the privity or knowledge of the customer, or surveyor or controller of the customes in every the parts within the realm of Ireland, respectively, they attending on their offices, to do, make and execute all and all manner of compositions, discharges and agreements, which by law may be done, for and concerning the customes, subsidies and other duties before by these presents demised or granted, or mentioned to be demised and granted as aforesaid, (except before excepted,) and to give order for the landing of the same wares and merchandizes, the customes, subsidies and other duties whereof are by these presents mentioned, to be demised or granted, at the places used for the same; and to do all other act and acts, thing and things that to the office of any customer, collector, controller, searcher, surveyor general, or any other officer, and every or any of them, of and in all and every the creekes and members thereunto belonging, doth
or

or shall appertain to be done for or concerning the said customes, subsidies or imposts, proffits and other duties before, in and by these presents mentioned to be demised or granted, or any of them (except as is before excepted) so alwayes as the power of the surveyors general, customers, collectors or controllers of our said soveraign lord the king, his heyres or successeurs, belonging to them by the lawes and statutes of the realm of Ireland do and shall stand in force, according to the purport and true meaning and intent of these presents.

The power of the kings officers to stand in force.

And the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors, administrators and assignes, and every of them, shall and may receive, take, collect and levy, to and for their own proper use, as well all and all manner of customes, subsidies, imposts, proffits, summes of money and other duties before by these presents demised or granted, (except before excepted) which during the continuance of this demise or lease shall grow due or be payable for the same goods, wares, merchandizes or any of them (except before excepted) as well by all and every the owner and owners of the said goods, wares and

The farmers to collect and levy to their own use, all customes, &c. by the lease demised.

and merchandizes and every of them, as also at and by the hands of any of their deputies, factours and servants, or any other person or persons conveying or bringing inward, as aforesaid, or transporting, conveying or shipping outward, as is also aforesaid, the said merchandizes, wares or goods whatsoever, or by the hands of the customers, collectors and every other officers for the time being, of and in every the said ports and places, the customs and other duties whereof are in and by these presents mentioned to be demised or granted unto the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, as aforesaid, at the free will and liberty of the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors, administrators and assignes, and every of them, without any lett, disturbance, restraint, denial or interruption of any customers, collectors, controllers, searchers, wayters or any other officers, ministers or attendants whatsoever, of his highness, his heyres or successours, or any of them, for or in respect of the said ports,

Without interruption of his majesties customers, &c.

ports, places and creeks, and without any accompt or accompts, or other things therefore to be payd, yielded or done to his highness, his heyres and successours, for the same, other than as is in these presents before expressed.

And also that the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors, administrators and assignes, and every of them, and the deputies, factours and servants of them and every of them, and all and every the officers of the custome-house, who are by letters patents thereunto lawfully authorized, shall and may from time to time during the continuance of this present grant at their and every of their wills and pleasures, as well by night as by day go on board, view, search and survey any ship, vessel or bottom, lying or riding within any of the said havens, ports, creeks and places, and by day-time to enter into any cellar, vault, warehouse, shop or place, to view, search and see whether there be any such merchandizes, wares or goods, the custome, subsidy, imposts or other duties whereof, is not nor shall not then be to them or some of them truly answered, payd or agreed for, or shall not then appear to them to be

The farmers or their officers to board ships and search shops or warehouses for goods.

To see whether there be any that hath not satisfied the duty.

be truly answered, payd or agreed for as aforesaid, according to the true meaning hereof; and also to examine the skippers, owners, and other the factours, conveyors, carriers, and bringers inward or outward of any the same merchandizes and goods, and every other suspected person or persons, in all convenient and lawful manner, upon their oaths, without any lett, impediment, restraint, impeachment, contradiction or denial of any of the customers, collectors, searchers, surveyors, wayters or other officers of or in the said ports, creekes and places, or any of them, or of any other person or persons whatsoever. And further also to administer any oath or oaths, to any person or persons whatsoever, for, touching or concerning the premisses, as fully and amply to all intents and purposes whatsoever, as any the commissioners of the customes or excize, customer or controller in his majesties ports in Ireland, by virtue of his or their offices, or of any act of parliament, or otherwise may legally do; the fees and duties for the administration of such oath or oaths nevertheless to continue, and be payd or payable to such officer and officers, or other person or persons to whom the same do or of right ought to belong, or are ordered or established to be payd.

The farmers to administer oaths to any persons concerning the premisses, but the fees are payable to such officer to whom it doth of right belong.

And

And it is also further covenanted, declared and agreed, that no seizure or seizures shall at any time or times hereafter be made, of or for any goods, wares or merchandizes not duly and lawfully shipped, exported or imported, or for non-payment of customes, subsidies, or otherwise; but by the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors, administrators, deputies, agents and assignes, or by his said majesties searchers, or such other officers or persons of or in the severall ports of the kingdom of Ireland, which by virtue of their offices, or any grants or other authorities to them or any of them in that behalf made or given, may or ought to seize.

No seizure to be made but by the farmers or their officers, or such other persons which by virtue of their offices ought to seize.

And further also, that all forfeited goods, wares, and merchandizes hereby intended to be granted to, and received and taken by the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors, administrators or assignes, shall immediately after seizure thereof made, be brought and layd up in his majesties warehouse

All forfeited goods to be brought to the storehouse of the respective ports, and not to be disposed of, but by consent of the farmers.

or

or storehouse of and in the several and respective ports where the same shall be so seized, and not be disposed of or discharged without the consent of the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors, administrators or assignes, or their deputies or chief officer or officers in the said ports respectively, or by due course and proceeding of law, any law, use, usage or custome to the contrary notwithstanding.

The commissioners and sub-commissioners not to take bonds concerning excise, but of sufficient men, and such as they will answer for.

And our said sovereign lord the king doth by these presents, for his highness, his heyres and successours, strictly charge and command all the commissioners and sub-commissioners of excise respectively, and all other the officers of his highness, his heyres and successours, of and belonging to all, every or any of the custome-houses within the realm of Ireland, that they nor any of them, nor their nor any of their deputies, at any time hereafter, during the continuance of this present grant, do presume to take, or cause or suffer to be taken any bond or writing obligatory, for or concerning the not delivery of goods imported into the possession of any shop-keeper or retayler, without payment of the excise

cize first made, or for or concerning the carrying of any goods, wares or merchandizes, from any port within the said realm of Ireland, to any other port of the same, or of any strangers for imployment of their money within the said realm, of any other but good sufficient men, such as they will undertake for, if the parties so to be bound shall prove unable to pay the summes of money in the same bonds or writings obligatory to be contained, unless the said bonds or writings obligatory shall be taken with or by the consent or good liking of the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stan-yan, John Gourney and Thomas Sheridan, their executors, administrators and assignes, or some of them, thereunto first had by writing under their, some or one of their hands.

Unless such bond be taken with the consent of the farmers.

And likewise that the said officers shall not make any coquet or certificate testifying the unshipping or lading of the said goods, wares or merchandizes within the said realm of Ireland, or deliver or cancel, or make voyd the said bonds or writings, or any of them, unless it be after notice first given to, and with the consent and good liking of the said sir James Shaen, William Hill, William Ryder, Thomas Hoare,

The officers not to make any coquet or certificate testifying the lading or unlading of goods, nor deliver up bonds but by the farmers consent in writing.

Francis

Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors, administrators and assignes, in writing thereunto first had and obtained.

As they will
answer the
contrary at
their perils.

All which his majesty willeth and commandeth to be observed, as the said officers and every of them will answer the contrary at their and every of their utmost perils, any custome, law, statute, usage or other matter to the contrary thereof heretofore made or provided in any wise notwithstanding.

No new im-
position to
be layd on
merchan-
dizes.

And our said sovereign lord the kings majesty is further pleased and contented, and by these presents, for his highness, his heyres and successours, doth covenant and grant to, and with the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their heyres, executors, administrators and assignes, and every of them, that neither his majesty, his heyres or successours, or any of them, will at any time hereafter, until the end of this present grant or demise, impose or lay any new impositions or taxation upon any wares or merchandizes, whereof the custome, impost or other duties are granted by these presents to
be

be transported out of the said realm into any the parts beyond the seas, or to be brought during the continuance of this present grant from any the parts beyond the seas into the said realm, without the assent, consent and good liking of the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors, administrators and assignes, and testified under their hands or seals in writing, first had and obtained, unless such new imposition shall be set and layd by authority of parliament.

Without the farmers consent, unless by act of parliament.

Provided further, and the said kings most excellent majesty doth for himself, his heyres and successours, covenant, declare and agree to and with the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors, administrators and assignes, by these presents, That in case at any time or times during the term of seven years hereby granted as aforesaid, any new or further duty, custome or imposition shall be by his said majesty, his heyres and successours, by and with the consent of the said sir James Shaen,

If there be any new imposition, the farmers (till the expiration of their term) to have the collection thereof.

William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors, administrators and assignes, or by authority of parliament, imposed or set upon, or due or payable for any foreign wares, goods or merchandizes which shall be imported into the said realm of Ireland, or any parts or places thereof, over and besides or more than the duties, impositions and payments now due and payable for the same, that then they the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors, administrators and assignes, shall during the rest and residue of the said term of seven years have the collecting and managing, and be collectors and managers of such new imposed duty and duties, to and for his majesties use and benefit, and to be accomptants and accomptable for the same in such manner, and to have such fallaries and allowances for their care and pains therein, as by his majesty, his heyres and successours, and the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Rich-

And have
such allow-
ances for
their pains
as shall be
agreed on.

Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors, administrators or assignes, shall be agreed on and thought fit and convenient in that behalf.

And whereas by the lawes and ancient usage, merchants paying their customes and other duties outward, if in their journies or voyages, their goods and merchandizes have been taken at sea by enemies in time of war, or by pyrates, have used to have allowance of their custome and other duties so formerly payd upon their expottation of other goods and merchandizes in lieu and stead of the former so taken as afore-said.

Now it is mutually covenanted and agreed by and between the kings majesty and sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors, administrators and assignes, by these presents, That if it shall happen during the continuance of this present grant, that any such goods or merchandizes for which the said custome or other duties shall be duly answered and payd, to be taken at sea by any of the enemies of his majesty, his heyres or successours, in time of war, (except war with the princes and

If goods after custome paid be taken by pyrates or enemies in time of war.

states before mentioned, for which provision is hereby before made, or by pyrates, or when letters of marque or reprisal shall be so generally and frequently granted,) that the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors, administrators or assignes, shall suffer any considerable damage thereby, that then and in every such case and cases, upon due proof of such losses to be made, in such manner and form as in other cases of defalcations is directed, his majesty, his heyres and successours, will bear the loss thereof; and the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors, administrators and assignes, shall have defalcation and allowance made unto them, of and for the same out of the rent aforesaid, in such manner, and upon such just and due proof, and with such approbation as any other allowances are to be made according to the true meaning of these presents.

His majesty
to bear the
loss thereof.

And the
farmers to
have defal-
cation.

The farmers
shall dis-
charge all
debentures

Provided also, and it is further agreed, covenanted and declared; that the said sir James Shaen,

Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors, administrators and assignes, shall pay and discharge all debentures for repayment of customes for forreign goods; the customes inward whereof shall be payd before the feast of the nativity of our Lord last past before the date hereof, which have been or shall be re-shipped or carried out of the said realm of Ireland during the said term of seven years: and that they the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors and assignes, shall have full allowances, deductions or defalcations out of the rent by these presents reserved, and shall and may reimburse themselves by way of recouper and retayner of so much of the said rents, as shall be sufficient to satisfy them and every of them, for all such and so much money as shall be by them payd, on or by force of such debentures as aforesaid, with interest for the forbearance thereof, every such summe and summes of money so payd, being first certified and made appear to be payd as aforesaid, to the

for repaying the custome of goods imported before Christmas, and reshippt in their time.

And reimburse themselves by way of recouper for such summes and the interest.

lord lieutenant, or other chief governour or governours of Ireland, and council there for the time being, or any six or more of them as afore-said.

- To be allowed by the lord lieutenant, or any six or more of the council.

And our said sovereign lord the king doth for himself, his heyres and successours, by these presents straightly charge and command, and also authorize the said lord lieutenant, or other chief governour or governours of Ireland, and council there for the time being, or any six or more of them, whereof the lord lieutenant or other chief governour or governours of Ireland for the time being, to be one or more, to make and allow unto the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors, administrators and assignes, full allowance, abatement and defalcation of and for all and every the said payments, summe and summes of money, payd and certified or made appear to be payd for debentures, as aforesaid, out of the rents and summes of money by these presents reserved, according to the true intent and meaning of these presents, without any further or other warrant from his majesty, his heyres or successours, to be had, procured or obtained in that behalf.

And

And it is further agreed and declared, and the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, for themselves, their executors, administrators and assignes, do covenant, grant and agree to and with our said sovereign lord the king, his heyres and succeffours, by these presents, that they the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors, administrators and assignes, shall and will well and truly pay, and discharge all and every debenture and debentures for repayment of customes for forreign goods, made and to be made within the aforesaid term of seven years, the customes inward whereof shall be payd during the said term, which at any time after the expiration of the said term, shall be re-shipped or carried out of the said realm of Ireland, without any defalcation, abatement or allowance whatsoever.

The farmers covenant to pay debentures for goods, re-shipt after their term, the custome whereof was paid to them.

Provided that the said debentures be brought in, or delivered to the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward

Provided such debentures be brought in three moneths after their term.

Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors, administrators or assignes, or some or one of them, within three moneths after the end of the said term of seven years, any thing in these presents contained to the contrary thereof in any wise notwithstanding.

The farmers
by warrant
of the chief
governour
or lord trea-
surer, vice-
treasurer or
chancellor
of the ex-
chequer.

And furthermore, the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, do covenant and grant for themselves, their executors, administrators and assignes, to and with our said sovereign lord the king, his heyres and succes-sours, by these presents, That they the said and sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors, administrators and assignes, or some of them, shall and will during the continuance of this present grant and demise in force, well and truly, by warrant and direction of the lord lieutenant, or other chief governour or governours of Ireland for the time being, or by warrant and direction of the lord treasurer of Ireland, vice treasurer or chancellor of the exchequer

chequer there for the time being, in writing under their or any of their hands in that behalf, and by such other warrant in writing, as in cases of this nature is usual, to them or any of them to be directed, and not otherwise, content and pay, or cause to be contented and payd to all and every customer, collector, comptroller, surveyor, surveyor general, or other officer or minister whatsoever, of our said sovereign lord the king, his heyres and successours, for the time being, of any of the customes, subsidies, excizes and duties, before by these presents demised or granted during the said term of seven years, all and every such several duties, fees and summes of money, as they and every of them have received, taken or been allowed, for or by reason or in respect of their said offices, in such like manner and form as hath been heretofore most accustomedly used to be payd or allowed for the same; and thereof shall exonerate, discharge and save harmless our said sovereign lord the king, his heyres and successours, during the said term, and so likewise shall and will from time to time, during the continuance of the said term by like warrant or direction of the said lord lieutenant, or other chief governour or governours of Ireland, lord treasurer, vice-treasurer or chancellor of the exchequer for the time being, as aforesaid, in writing

To pay all
customers,
&c.

And officers
of the court
of exche-
quer their
fees and an-
nuities.

ing under their or any of their hands, to them or any of them in that behalf to be directed, and not otherwayes, pay and satisfie, or cause to be payd and satisfied unto all and every officer, minister and ministers of his majesty, his heyres and successours, of and in the said court of exchequer, all such and the like fees, duties and summes of money, as heretofore hath been used and accustomed to be payd to them by the severall customers, comptrollers, surveyors and searchers of the ports aforesaid, and every of them, or their deputies, in such manner and form as the same should or ought to have been done or payd, if this demise or grant had not been had or made; and shall and will also from time to time, during the continuance of this demise or grant in force, content, satisfie and pay, or cause to be contented, satisfied and payd all and singular annuities or yearly payments, payable or issuing out of the customes, subsidies and other duties before by these presents demised or granted, or mentioned or intended to be demised or granted for the said term of seven years unto all and every such person and persons, to whom any such annuity or yearly payments shall be due and payable, together with the arrearages of such annuities or yearly payments, if any such be at the severall times and dayes of payment thereof upon

Together
with the
arrears
thereof.

warrant

warrant and direction of the lord lieutenant, or other chief governour or governours of Ireland, lord treasurer, vice-treasurer or chancellor of the exchequer for the time being, to the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors, administrators or assignes, by writing under his or their hand or hands, to be in that behalf directed.

And our said sovereign lord the king is pleased and contented, and by these presents, of his especial grace, certain knowledge, and meer motion, for his highness, his heyres and successors, doth covenant, grant and agree to and with the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors, administrators and assignes, and every of them, That for and in consideration of such several duties, fees, summes of money, annuities and payments, which the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and

Thomas

To be allowed out of the rents next due after such payments, and the chief governour and six or more of the council to give allowance thereof.

Thomas Sheridan, their executours, administrators or assignes, or any of them, shall from time to time, during the said term of seven years, so as aforesaid, satisfie, content and pay unto all and every the customers, collectors, comptrollers, surveyors, surveyor general, officers, ministers and other persons respectively, according to the true intent and meaning of these presents, as is aforesaid, it shall and may be lawful to and for the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors, administrators and assignes, and every of them, from time to time, to deduct, default and detain so much out of the yearly rent and summes of money before by these presents reserved or payable, as all and every such summe and summes of money, duties, fees and payments which the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors, administrators or assignes, or any of them, shall according to the true intent and meaning of these presents, by such warrant or direction as aforesaid, satisfie, content and pay unto
all

all and every the customers, collectors, comptrollers, surveyors, surveyor general, officers and ministers, and other persons respectively, as is aforementioned to be deducted, defaulted or detained out of the next rent or rents to grow due next after such respective payments so to be made, as aforesaid, or at any other time or times after, at their election: and that the lord lieutenant, or other chief governour or governours of Ireland, and the council there for the time being, or any six or more of them, whereof the lord lieutenant, or other chief governour or governours of Ireland for the time being, to be alwayes one or more, by force of these presents, upon sight hereof, or of the inrolment, *constat*, or exemplification thereof, and upon certificate or other sufficient testimony of payment of the said duties, fees, annuities, payments and summes of money aforesaid in writing under the hands and seals of such persons which shall have received the same, as is aforementioned, shall have full power and authority, by any order in writing under their hands, to make and give allowance of the said deduction and defalcation accordingly, without any further or other warrant of his majesty, his heyres or successours, to be had, sued for or obtained in that behalf.

And

The farmers
covenant
not to abate
any of the
duty, with-
out the kings
consent un-
der his great
seal or privy
seal.

And the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, for themselves, their executors, administrators and assignes, covenant, promise, grant and agree to and with our said sovereign lord the king, his heyres and successours, by these presents, That they the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors, administrators or assignes, or any of them, for their parts, shall not at any time during the continuance of this present demise or grant, abate or diminish any customes, subsidies, excize, rate, profit or duty which shall arise, grow or be due within any of the said ports or places, before, in and by these presents mentioned, from any merchant, retayler or importer of goods imported, or take any less or greater summe or summes to the prejudice of his majesty, his heyres and successours, or of any of his subjects, for the customes, subsidies, imposts, excize or other duties for any wares, merchandizes or goods that shall be brought into or transported from any of the said ports or places,

at

at any time, during the said term, by any merchant, alien, stranger, denizen, or natural subject, other than such as by the lawes, statutes and customes of the said realm of Ireland, have or ought to have been used to be taken for the same, and every part thereof, without the assent in that behalf of his majesty, his heyres or successours, in writing under the great seal, or privy seal, nor shall nor will willingly do, or suffer to be done any other act or thing whatsoever, whereby the kings majesty, his heyres or successours, shall or may in any wise be hindred or damnified of or for any custome, subsidy, impost or other proffit, after this present demise or grant ended or expired, in any the ports or places aforesaid.

And that the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors, administrators and assignes, shall and will at all times during the continuance of this grant, be ordered and directed by the lord lieutenant, or other chief governour or governours of Ireland, and council there for the time being, or any six or more of them, whereof the lord lieutenant or other chief governour or gover-

Doubts and questions touching the revenue to be determined by the chief governour and six or more of the council.

nours

Or court of
exchequer
in matters
proper to the
determina-
tion of the
said court.

nours of Ireland for the time being, to be al-
wayes one or more, or by the lord treasurer,
vice-treasurer, chancellor and barons of the ex-
chequer, there for the time be in cases proper
for the determination of the said court of ex-
chequer, for or concerning any question or doubt
which shall hereafter arise, or happen upon or by
reason of any matter or thing which shall be
done by the said sir James Shaen, William Hill,
William Ryder, Thomas Hoare, Francis Sone,
William Muschamp, Edward Richbell, Stanhop
Mill, Lawrence Stanyan, John Gourney and
Thomas Sheridan, their executors, administra-
tors or assignes, their or any of their deputies
or servants, in or about the execution of these
presents, or any other clause or article herein
contained.

The farmers
not to per-
mit trading
to the pre-
judice of
companies.

And that they or any of them, their or any of
their deputies, factours or servants, shall not at
any time or times hereafter, during the continu-
ance of these presents, lycense or wittingly or wil-
lingly permit or suffer any merchant or mer-
chants, their factours or servants, to trade or
traffique in any manner of way which shall be
prejudicial or hurtful to any corporations or bo-
dies politique of any merchants incorporated by
letters patents under the great seal of England or
Ireland, by the kings most excellent majesty that
now

now is, or any of his highness's progenitors or predecessors, or contrary or repugnant to the liberties and priviledges to them or any of them by any such letters patent given or granted, under colour or pretence of any clause, sentence, matter or thing in these presents given, or granted or specified, any thing in these presents contained to the contrary thereof in any wise notwithstanding.

And moreover, whereas heretofore it hath happened, and many times hereafter it may fall out and happen that some forfeitures may be made and committed by some merchant or merchants, their servants or factours, of their goods, wares and merchandizes, by the strict penalties of the lawes or statutes of the said realm, or some act or thing may by them or some of them be done, perpetrated, committed or omitted, whereby their wares, goods and merchandizes may be seized or forfeited by the strict rules of the said lawes and statutes of the said realm, whereas nevertheless in equity and conscience heretofore in such like cases, the lord lieutenant or other chief governour or governours of Ireland, and council there for the time being, or some of them, or the lord treasurer, vice-treasurer, and chancellor of the exchequer of Ireland for the time being, have used according to his and their

Forfeitures
by mer-
chants to be
moderated
by the lord
lieutenant,
and any six
or more of
the council.

wisedome and conscience; sometimes by the advice of the barons of the exchequer for the time being, and sometimes by the advice of the officers of the said ports, to make some moderation thereof, and to give redress therein, The said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, do therefore covenant, promise and grant for them and every of them, their and every of their executors, administrators and assignes, to and with the kings most excellent majesty, his heyres and successours, by these presents, That in every such case, and when, and as often as any such case of equity or conscience shall happen, that they the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors, administrators and assignes, shall stand unto, perform, fulfill and abide all and every such order, direction and ordinance therein, as the lord lieutenant, or other chief governour or governours of Ireland for the time being, and council there for the time being, or any six or more of them, whereof the lord lieutenant or other chief governour

vernour or governours of Ireland for the time being, to be alwayes one or more, or the lord treasurer, or vice-treasurer of Ireland for the time being, the chancellor of the exchequer, by the advice of the barons of the said court of exchequer for the time being, or any three of them, shall set down and appoint.

Or court of exchequer.

And the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors, administrators and assignes, and every of them, and every of their deputies and servants, shall and will from time to time, during the continuance of this present demise or lease, give unto the company of merchants in England, trading or which shall trade into the East or West Indies, or into the countries newly discovered or thereafter to be discovered, and to all other corporations or companies of merchants incorporated or authorized by several charters under the great seal of England or Ireland, either by the kings majesty, or by his noble progenitors and predeceffors, and to the singular members of such companies, and others, such reasonable dayes and times for the payment of their and every of their customes, poundage and other duties, upon good and sufficient secu-

The East and West India companies to be allowed time for payment of their custom, giving security.

rity, as shall be between the said merchants, and the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors, administrators and assignes, and every of them, their and every of their deputies and servants agreed upon, or in default of such agreement, such dayes and times upon good and sufficient securities, as are given to the said companies and corporations, and every of them by the kings majesty, or any of his progenitors or predeceffors, in his or their severall letters patents under the great seal of England or Ireland, severally and respectively made unto the said companies or corporations of merchants, and every of them, for the payment of their customes, subsidies, poundage, duties and summes of money hereby granted or demised, which shall be due and payable at any time within the said term of seven years, to be accompted as aforesaid, for or by reason of any goods, wares or merchandizes, by them the said merchants to be transported out of or brought into the said realm.

The farmers
to pay his
majesty for
customes
compounded

And the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop
i
Mill,

Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, do for themselves and every of them, their and every of their executors, administrators and assignes, covenant, promise and grant to and with our said sovereign lord the king, his heyres and successours, by these presents, That if any merchant, alien, stranger or denizon, or natural-born subject, within the said realm, shall at any time or times, during the continuance of this present demise or lease, satisfie and pay to them the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors, administrators or assignes, or any of them, the customes, subsidy, impost and other duty due for or in respect of the transportation of any goods, wares or merchandizes, or shall at any time or times, during the continuance of this present grant or demise, compound and agree with the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors, administrators or assignes, servants, factours, or any of them, for the custome, subsidy and other

for within
but shipt
out after the
term.

Z 3

duties

duties of any such goods, wares and merchandizes; the said goods, wares and merchandizes for which such custome, subsidy or impost shall be payd or compounded for, as is aforesaid, not being shipped or laden into some ship or other vessel within the continuance of this present grant or demise, to the intent to be from thence transported from the ports, havens and creekes aforesaid, into the parts beyond the seas, that in every such case, upon such proof thereof to be made as the lord treasurer, vice-treasurer, chancellor and barons of the exchequer for the time being, or any three or more of them, whereof the lord treasurer of Ireland, vice-treasurer or chancellor of the exchequer for the time being, to be one, shall allow of; the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors, administrators or assignes, shall within ten dayes next after such proof so to be made, as aforesaid, satisfie, content and pay, or cause to be satisfied, contented and paid unto our said sovereign lord the king, his heyres or successours, into the receipt of the exchequer of his highness, his heyres and successours, at Dublin, so much money as the customes, subsidies and

and imposts of such goods, wares and merchandizes, are to be payd and compounded for, and not shipped before the end of the said term of seven years, to be accounted as aforesaid, shall truly and duly amount unto, over and above the yearly rent and summes of money in and by these presents reserved and payable.

And to the intent and purpose that the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors, administrators and assigns, may be the fuller impowered and enabled to the uses and purposes aforesaid to discover, demand, levy and take, during the term aforesaid, all and every the customes, subsidies and duties of excize, and new impost, and all other summes and duties whatsoever hereby granted, and also may be the better assured to enjoy the same, according to the true intent and meaning of these presents, his said majesty doth for himself, his heyres and successours, covenant, promise, grant and agree to and with the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas

The farmers or such as they or any seven of them shall nominate onely to be commissioners and collectors of the customes and excise,

Sheridan, their executors, administrators and assigns, in manner and form following, (that is to say) that the lord lieutenant or other chief governour or governours of his now majesties said kingdom of Ireland, and privy council thereof for the time being, shall and will from time to time, during the continuance of this present lease, so far as they are impowered by law, constitute and appoint the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, or such other person or persons as they, their executors, administrators and assigns, or any seven or more of them shall nominate and appoint, and no others, commissioners and collectors of and for the said customes and subsidies of tunnage and poundage, and commissioners and governours of and for the said imported duties of excize and new impost, with full power and authority, so far as the laws will permit, to nominate and appoint such sub-commissioners, deputies, wayters, collectors, and other officers respectively, in the severall and respective ports and places of his majesties kingdom of Ireland, and the islands and territories thereunto belonging, from time to time, during the said term of seven years, as fully

fully as the late commissioners of the customs and excise, or the said treasurer of the kingdom are empowered by the said acts of parliament herein before particularly rated, or either of them, and is therein declared, limited and appointed, so as such person or persons so to be nominated by the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors, administrators or assignes, be persons of integrity and honest conversation, and be not disabled by the said acts or either of them, or by any other law or statute in the said kingdom of Ireland, to execute the same offices and employments.

So as such persons are not disabled by law.

And further that the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors, administrators and assignes, shall and will during the said term of seven years, duly observe such rules, orders and directions for the advancement of trade, and encouragement of merchants, as are prescribed and layd down in the act for settling the subsidy of tunnage and poundage

The farmers to observe the acts of tunnage and poundage.

on

on his majesty, his heyres and successours, herein formerly mentioned.

And all acts prohibiting the exportation of wooll, leather, or any other thing whatsoever.

And also all other acts now in force, prohibiting the exportation of wooll, leather or any other thing whatsoever prohibited to be exported out of the said kingdom of Ireland (except as herein is excepted and provided for), and shall not nor will not willingly do, nor willingly suffer any thing or things whatsoever contrary to any of them, or the rules, orders or directions in them, or any of them prescribed, (except as herein is excepted and provided for,) nor shall not nor will not willingly do, or willingly suffer or permit any goods or merchandizes to be shipped or landed, but in the presence of or after due notice given at his place of office unto such officer or officers, as by his majesty, his heyres or successours, or by the lord lieutenant, or other chief governour or governours of Ireland, and council for the said kingdom of Ireland, for the time being, shall be appointed to that purpose, or some of their deputies, nor shall not within the space of six moneths immediately next before the expiration or other determination of the said term of seven years, directly or indirectly design or contrive to anticipate the receipt of his majesty, his heyres or successours, by inviting, treating or compounding with any merchant

Nor shall not suffer any goods to be shipped or landed but in the presence of his majesties officer, or notice given at his place of office.

Nor shall not fill the market by compounding (six moneths before the determination of the term) with merchants to import commodities.

chant or importers to import goods to fill the markets.

And for the better enabling the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors, administrators, deputies, agents and assignes, to have, collect, levy, recover and receive the said payments, rates, duties of hearth-money, duties arising by lycence for retayling wine and strong-waters, new quit-rents, old crown-rents and other rents, revenues, profits and other the premisses hereby granted or demised, according to the true intent hereof.

His majesty doth by these presents as much as in him lyes, and as far as the lawes and statutes of Ireland will permit, nominate, constitute and appoint them the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors, administrators, officers, deputies, substitutes, agents and assignes, and no other person or persons whatsoever, to be his majesties officers, from and after the commencement and during the continuance of this present demise or grant, for the receiv-

The farmers and their substitutes, &c. and no others, are to be his majesties officers for collecting the hearth-money.

Viewing
and num-
bring the
stoves,
chimnies,
&c.

And exa-
mining all
surveys,
rolls and
returns
thereof
made into
the exche-
quer, and
executing
all other
matters
thereto be-
longing.

The farmers
may collect
after their
terme what
shall grow
due in it.

receiving, collecting and answering the said rates and duties arising by the fire-hearths and stoves, by vertue of the said several acts in that behalf, or any of them, and for viewing and numbring of the several chymnies, hearths and stoves, and other firing-places mentioned in the said acts, and for the inspecting and examining the several rolls, certificates, surveyes and returns thereof, made and to be made from time to time, into his majesties court of exchequer, in pursuance of the said act or acts, or any other things belonging to the same, and to do and execute all and every other the matters and things touching or concerning the revenues, duties, profits or other the premisses herein granted or demised, which are directed and authorized to be done and executed by the said acts, by commissioners, or officers and ministers to be thereunto lawfully appointed.

And further, that the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their ex-ecutors, administrators, deputies, agents and assignes, shall and may collect, receive, levy and recover to the uses and purposes aforesaid, such summe and summes of money, or part or parts
of

of the said rates, duties and premisses hereby granted or demised, as by and according to the purport, intent and true meaning of these presents, shall have accrued due and payable to them, at or before the end or expiration of the said term or time of seven years hereby granted, although this present grant or demise and the said term of seven yeares shall be expired and determined.

And his said majesty hath hereby given and granted unto the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors, administrators and assignes, their deputy and deputies, officer and officers, substitute and substitutes, agent and agents, from time to time, and at all times after the commencement and during the continuance of this present grant or demise, full power and authority to do and perform, and put in execution all and singular the powers and authorities in the said several acts or any of them mentioned, for the receiving and collecting the duty arising by the said annual rates, fire-hearths and stoves, and other the payments, rents, duties and premisses, (except before excepted,) and to do, execute and put in execution all and every other

The farmers authority to put in execution all powers and authorities mentioned in the acts for collecting chimney-money, and other rents, duties and premisses.

other the matters and things, any way belonging to or concerning the same, directed and appointed by the said acts, or any of them, to all intents and purposes whatsoever.

The farmers
power to
take coppies
of all books
or records
concerning
the revenue.

And that the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors, administrators and assignes, and their deputy and deputies, substitute and substitutes, agent or agents, and other under-officer or officers, shall and may from time to time, and at all time and times during the continuance of this present grant or demise, have full power to search, view, take notes and coppies of all returns, duplicates and records whatsoever, in his majesties exchequer, or in the hands of any clerk of the peace, or *custas rotulorum* of any particular county, city or place, or elsewhere, or in the hands of any other person or persons, touching or concerning the premisses, or any way relating thereunto; or for the examination, finding out, and discovering of parishes, towns, villages, places, and names of persons, for the better improving and managing his majesties said revenue, and other the premisses herein granted or demised, or any thing relating thereunto. And all and every his majesties officer

Or any thing
relating
thereunto.

officer and officers, whom the same doth or may concern, are hereby strictly commanded and required to take notice hereof, and permit the same to be done accordingly; as also to examine, compare, attest and sign such constats, and copies of any of the said records in their respective custodies, as shall be prepared and offered them by the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors, administrators, deputies and assignes, and that without demanding any fee, reward or recompence for any such search, perusal, taking of notes or coppies, which are to be written by or at the charge and cost of the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors, administrators, deputies, agents or assignes, but to be examined and attested by such officer or officers in whose custody and keeping the same are, or by his or their deputies or clerks, and that without any other warrant or authority in that behalf, and without any fee, charge, lett, delay, denial or interruption in or about the same.

And all officers are required to take notice hereof, and to attest coppies without fee or reward.

And

All returns
and records
to be kept
in the far-
mers chief
office by his
majesties re-
membrancer,
or other
proper offi-
cer.

And his majesty is graciously pleased, and by those presents, for himself, his heyres and successors, doth will, command and require, that all and singular the said returns and records of and concerning the said annual rates, payments, rents and duties of hearth-money, and other the premisses already returned, and also those that shall hereafter be from time to time returned into the court of exchequer, during the continuance of this present grant or demise, shall be placed and put in such house or place as the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors, administrators and assignes, shall from time to time have and appoint for their chief office, in or near the city of Dublin, for the ordering and managing all the matters and things for or any way concerning the collecting and levying of the duties aforesaid, and that the returns and records so remaining in the said chief office, shall be in the possession and under the care and inspection of his majesties remembrancer, or other proper officer, his deputy or deputies; yet so as that the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill,

Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors, administrators, substitutes, agents and assignes, for their more speedy, convenient and perfect managing of the several annual payments, rents, duties and premisses hereby granted or demised, may from time to time, during the continuance of this present grant or demise, have liberty to view, inspect, search and examine, and take coppies of the same; the same coppies to be made by the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, or by such person or persons, as his majesties remembrancer, or his deputy for the time being shall allow of, without any fee, reward, or other charge to be payd for the same:

and that all and every the returns and records of and concerning the premisses, which do or shall hereafter remain in the hands of the respective clerkes of the peace, recorders of cities, or town-clerks, or other persons respectively, shall be placed and kept in such convenient house or place in every respective county, city or town, where every under-farmer, deputy, substitute or officer of the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis

All returns and records which are in the hands of any clerk of the peace, recorders of cities, town-clerks, &c. are to be put in such convenient place of every county, city and town as the farmers or their officers

may have
free access
to.

All bookes
and writings
concerning
the rents,
hearth-mo-
ney, wine-
licences,
and other
the pre-
misses (ex-
cept such as
are by law
to be in his
majesties
courts, and
other offices)
are to be de-
livered up to
the farmers.

Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors, administrators and assignes, for the same county, city, town or place, may have access to the same, to view, search, examine and take coppies of them, and that both the said records in the chief office, and respective places where the records shall be kept by the clerk of the peace, town-clerks, and recorders of every county, city, town or place, they the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors, administrators and assignes, and every of their under-farmers, deputies or agents, as they shall appoint, shall have free access to the same, at all reasonable and convenient times, for the purposes aforesaid, without any fee or fees, or other charges for the same. And for the enabling the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors, administrators and assignes, to pay the said certain yearly rent or summe herein before reserved, and to execute

execute and discharge the trusts and powers by these presents committed and granted to them; they are hereby authorized and impowered to demand, take, receive and keep, all and every other books, returns, duplicates, rolls, accompts, surveyes and writings, any wayes relating unto the said revenue of the hearth-money, wine-lycences, rents and other the premisses in whose hands soever they be, for his majesties use and service, other than such as are to remain as records in his majesties office of remembrancer, or other proper offices in the exchequer, or any other of his majesties courts at Dublin, or with the respective clerks of the peace, recorders, or town-clerkes, or other person in whose hands they are by law to be kept, as aforesaid, and the same to lodge and dispose of, where they may most conveniently be made use of for the said service, in the said chief office or under-offices respectively, and all and every person or persons now or formerly employed in and about the said revenue, and others who have any of the said writings in their custody and keeping, are hereby commanded and required to deliver up the same accordingly (saving that onely such persons who have not finished their accompts, or collected or levied their arrears due to them, may have the use thereof for the perfecting of their accounts,

and obtaining their discharge, and getting in of their arrears respectively); and the receipt or receipts of the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors, administrators or assignes, or any one of them, shall be to such officer or officers, and other persons, for their so doing, a sufficient warrant and discharge.

The king covenants, that during the term he will not intermeddle with any the duties granted to the farmers.

And our said sovereign lord the king doth hereby for himself, his heyres and successours, promise and grant to and with the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors, administrators and assignes, that neither his said majesty, his heyres and successours, nor his lieutenant or other chief governour of Ireland, and council there, shall or will at any time or times during the said term (unless at their instance and desire) authorize and appoint, or permit any person or persons whatsoever besides the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas

Thomas Sheridan, their executors, administrators and assignes, in any wise, during the continuance of this present grant or demise, to act or intermeddle in the ordering, collecting, receiving, levying and managing of the said annual payments, rates, rents, duties and premisses hereby granted or demised, or mentioned to be granted or demised, or any part or parcel thereof.

And his said majestie is pleased further to covenant, and by these presents, for himself, his heyres and successours, doth covenant, grant and agree to and with the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors, administrators and assignes, and every of them, that if at any time during the continuance of this present term, any the duties arising by hearth-money, duties arising by lycences for selling wine, aquavite or strong-waters by retayl, fee-farm rents, quit-rents, rents reserved upon leases, or any other rents, payments or duties hereby demised or granted, or mentioned to be demised or granted, shall happen to be payd into his majesties receipt of exchequer at Dublin; that then and in every such case, his majesty, his heyres and successours, shall and will be pleased

If any duties be payd into the exchequer, the same to go in part of the rent.

to accept of the summes of money to be payd in, and to retain the same in part of payment of the said rents reserved by these presents, if any then shall be due, and if no part thereof shall be then due and owing, or not so much as the summe so payd into his majesties receipt shall amount unto, it shall and may be lawful to and for the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors, administrators and assigns, and every of them, to ask, demand, have, take and receive to the uses and purposes aforesaid, all and every such of the said duties, rents and summes of money, which are hereby demised or mentioned to be demised, and at the time of such demand shall have been payd into his majesties receipt as aforesaid, and shall be found to exceed the summe or summes of money then due and owing to his majesty for rents, without any fee, gratuity, reward or other charges whatsoever to be payd for the same.

The officers
of the ex-
chequer are
required to
pay it.

And his majesty doth hereby strictly charge and command the lord treasurer, vice treasurer, chancellor, and barons of his said court of exchequer at Dublin, and all other the officers and ministers of his said revenue, now and

and for the time being, that they and every of them, upon the sight of these presents, or the inrolment thereof, do forthwith pay and deliver, or cause to be payd and delivered unto the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors, administrators and assignes, without any other or further warrant, all and singular such of the said rates, duties, rents, payments and summes of money aforesaid, which at the time of their or any of their demand, shall be found to be or have been payd into his majesties receipt as aforesaid, over and above the rent then due to his majesty, to be by them had, received and imployed to the uses and intents in these presents appointed and agreed.

And they the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, for themselves and every of them respectively, and for their respective heyres, executors and administrators, do further covenant, promise and agree to and with his most excellent majesty, his heyres and successors, that neither they the said sir James Shaen,

The farmers shall not within a quarter of a year, before the end of the terme, make any composition with any brewer or victualler to take more than shall be due by such brewer in the succeeding year, or is in arrear before.

William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, nor any of them, nor their nor any of their executors, administrators, deputies, officers, substitutes, nor any of them, shall or will within the space or compass of one quarter or fourth part of a year before the end and determination of the said term of seven years hereby demised, the said quarter to be computed to commence from and after the nine and twentieth day of September, which shall be in the year of our Lord 1682, demand, receive, collect, gather or take, by way of composition or otherwise, from any brewer or victualler or other person whatsoever, any more or greater summe or summes of money, by virtue, colour or pretence of these presents, then shall be due and payable by any such brewer, victualler or other person or persons respectively, for his or their excize for that quarter, or shall be in arrear for their excize before the beginning of such respective quarter, as shall be agreeable to the laws and statutes of the excize.

And further to the intent the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan,

yan, John Gourney and Thomas Sheridan, their executors, administrators and assignes, may be the better enabled to pay the rents and summes of money by these presents reserved and payable to the kings majesty, his heyres and successours, at the dayes and times herein before limited and appointed for the payment of the said, our said soveraign lord the king is pleased and contented, and for himself, his heyres and successors, of his special grace, certain knowledge, and meer motion, doth covenant and grant to and with the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors, administrators and assignes, and every of them, by these presents, That if the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their deputy or deputies, executors, administrators or assignes, or any of them, for any difficulty, delay or doubt that they or any of them shall find in recovering or levying of the said rents or payments, duties of hearth-money, duties arising by lycences for retayling wine or strong-waters, customes, subsidies,

dies, imposts, summes of money, duties of excize for goods imported, duties of excize for ale and beer, and all other the duties, revenues, proffits and premisses respectively demised as aforesaid, or mentioned to be hereby demised, granted or leased, or of any part or parcel of the same, and which by the true intent and meaning of these presents they the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors, administrators or assignes, ought to have, take and receive after the same shall become due and payable, or for the difficulty of getting in any other of their or any of their debts due unto them or any of them, to be thereby the better enabled to satisfie his majesties said rents, or for any other cause or occasion whatsoever, will give, grant and assign, or cause or procure to be given, granted or assigned to our said soveraign lord the king, his heyres or successours, or to any of them, the said rents, payments, customes, subsidies, imposts, summes of money, and other the duties, revenues, proffits and premisses, by these presents demised or granted, or any part or parcel thereof, after the same

Any rents or debts payable to the farmers, may be assigned over to the king.

same shall be due or payable; or any bonds, bills, obligations, judgements, statutes, recognizances, specialties, debts, duties, summe or summes of money, which shall be due, owing or appertaining to the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors, administrators or assignes, for or in respect of the same, or of any other cause whatsoever, by any person or persons whatsoever; than our said sovereign lord the king, his heyres and successours, and every of them to whom the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors, administrators or assignes, for or in respect of the same, or of any other cause whatsoever, by any person or persons whatsoever, then our said sovereign lord the king, his heyres and successours, and every of them to whom the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors, administrators

And process
thereon shall
be issued out
speedily.

tors or assignes, or any of them shall and will give, grant or assign, or cause to be assigned as aforesaid, the same or any part thereof, shall accept, receive and take the said gift, grant or assignment, and thereupon with all celerity and expedition shall and will from time to time cause to be made forth of the said court of exchequer of his majesty, his heyres or successours, or any of them, as speedy process and other proceedings for the speedy recovering and levying of the said rents, payments, customes, subsidies and imposts, debts, summes of money, excizes, duties, bonds, bills, judgments, statutes, recognizances, specialties and other the premisses, which shall be so given, granted or assigned as is aforesaid, and every part and parcel of the same, as the use and course of the said court may allow and permit, or as other debts due or to be due to his highness, his heyres or successours, immediately may by order of the said court be levied or recovered, any letters of privy seal made by his majesties late grandfather, or father, or by our said sovereign lord the king that now is, concerning the assignment of debts, or any commandment, direction, signification, grant or declaration made or to be made from his late majesty, or our said sovereign lord the king, by privy seal, or great seal,

feal, or otherwayes howsoever to the contrary notwithstanding.

And our said soveraign lord the king, for him, his heyres and successours, doth by these presents covenant, promise and grant to and with the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors, administrators and assignes, that all and singular the said annual rents, payments, customes, subsidies, excizes, debts, duties, summes of money, revenues, proffits and other the premisses, which shall be received and levved, or payd by reason of any such debt, bond, obligation, bill, judgment, statute, recognizance, process, order, course or suit of our said soveraign lord the king, his heyres or successours; as also all and every the aforesaid pains and penalties which shall so likewise be recovered, and which the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors, administrators and assignes, are or ought to have, according to the intent of these presents, shall immediately after
the

The farmers being to have the benefit of what shall be recovered thereon.

the recovering or levying thereof, from time to time be delivered by the treasurer, chancellor and barons of the said exchequer, or some of them, to the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors, administrators or assignes, or some of them, to their and every of their proper uses and behoofs, without any account, or other thing, to our said sovereign lord the king, his heyres or successours, to be had, payd or done, for the same, or any part or parcel thereof, other than the said several and respective yearly rents and summes of money, and other duties in these presents respectively reserved, and agreed to be payd to his highness, his heyres and successours, according to the tenor, purport and true meaning of these presents; or else shall be retayned towards or in part of payment of the said rents and summes of money to his majesty, his heyres and successours reserved or payable, by force of these presents, which then shall be due, if to the said lord treasurer, chancellor, vice-treasurer, and barons of the court of exchequer, or the more part of them, for the time being, it shall be thought meet and convenient

venient for his majesties service, and surety in the premisses.

And also that our said sovereign lord the king, his heyres and successours, shall from time to time, as occasion shall be, make, or cause to be made unto the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors, administrators and assignes, and every or any of them, under the great seal of England or Ireland, or under the seal of the court of exchequer there, or otherwise, as by the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors, administrators or assignes, or any of them, their or any of their counsel learned in the law, shall be reasonably devised or required, and at their or any of their proper costs and charges in the law, such and so many grants, conveyances and assurances of and for the said rents, excizes, customes, subsidies, imposts, debts, duties, revenues and proffits, forfeitures, pains, penalties and fummes of money, and of all lands, tenements, hereditaments, goods

And what lands are seized by virtue thereof, to be granted to the farmers.

If the treasurer shall not think good to retain the same.

The chancellor and barons of the exchequer are required to put his majesties pleasure therein in execution.

or chattels extended or seized thereupon, or for or by reason thereof, which by our said sovereign lord the kings majesty, his heyres or successours, or by any of them shall be had, recovered, levied or payd by virtue of any such process, course or suits, if the said lord treasurer, chancellor, vice-treasurer, and barons, or the more part of them, shall not think good so to retayn the same.

And his majesty doth hereby for him, his heyres and successours, authorize and strictly charge and command, as well the lord chancellor, or keeper of the great seal of Ireland, for the time being, as the said treasurer, vice-treasurer, chancellor and barons of the said court of exchequer for the time being, or some of them, to perform, do and execute, or cause to be performed, done or executed his majesties pleasure herein, according to the true intent and meaning of these presents; and these presents, or the inrolment, *constat* or exemplification of the same, shall be from time to time a sufficient warrant to the said lord chancellor or keeper of the great seal of Ireland, treasurer, chancellor, vice-treasurer and barons of the said court of exchequer for the time being, to whom it shall appertain, for the making forth process, suing for, recovering and levying of the said rents, excizes, customes, subsidies,

sidies, imposts, debts, duties, revenues, profits and summes of money, and every of them, and of all the said forfeitures, pains and penalties, and for the payment and delivery over unto the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors, administrators or assigns, or to any of them, the said rents, excizes, customes, subsidies, imposts, debts, duties, revenues; profits, forfeitures, pains, penalties and summes of money, and other things whatsoever, which by virtue of such process, order, course or suits, as is aforesaid, shall be levyed or payd, or for to accept the same so recovered, as in part of payment of the rents and summes of money above reserved or payable, according to the tenor of these presents, then next due to be payd, in case it shall be thought meet to retain the same as aforesaid.

And also for the making of such grants and assurances of the said rents, excizes, customes, subsidies, impositions, debts, duties, revenues, profits, forfeitures, pains, penalties and summes of money, and other things that shall be so recovered, levyed or payd, as is aforesaid, under the great seal of Ireland, and under the seal of

And make the farmers such assurances and grants of the debts recovered as they shall reasonably require.

the said court of exchequer, or either of them, or otherwise as by the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors, administrators or assignes, or any of them, or by their or any of their counsel learned in the law shall be reasonably (according to the true intent and meaning of these presents) devised and required, without any other warrant or declaration of the pleasure of his majesty, his heyres or successours, to be obtained or had in that behalf.

The farmers
may take
bonds in his
majesties
name or
theire owne
names.

And that they the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors, administrators and assignes, and every of them, shall and may from time to time, during the said term of years to be computed as aforesaid, take bonds obligatory in the name of the kings majesty, his heyres and successours, or in the name of the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors,

ecutors, administrators and assignes, or any of them, as well of and from all and every merchant and merchants, and owners of the said goods, wares and merchandizes, whereof the customes, subsidies and impositions, and other duties, are in and by these presents mentioned to be demised, or of any of them as of any other person or persons for any other debt, duty or cause whatsoever, with surety or sureties, as otherwise for the payment of the said customes, subsidies, impositions and duties, and other the debts and duties whatsoever, and every or any of them, in such sort and manner, and at such dayes and times as to them the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors, administrators or assignes, or any of them, shall seem meet and convenient, and to detayn and keep the said bonds and every of them in their or one of their hands, and to have and take the full benefit and advantage of the same, and every of them, to their own proper use, by way of suit, at their own costs and charges, in the name of our said sovereign lord the king, his heyres and successours, and upon satisfaction and payment thereof, or other-

And upon
satisfaction
to them to
deliver up or

B b-2

wife,

cancel the
same, or
otherwise
dispose
thereof for
their best
advantage.

The farmers
authority
for proceed-
ing thereon.

wife, to deliver up or cancel the same, or otherwise to dispose thereof for their best advantage and benefit, or proffit, or otherwise, as they shall think fit.

And also that they the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors, administrators and assignes, and every of them, shall have full power, liberty and authority in the name of our sovereign lord the kings majesty, his heyres and successours, or any of them, or in the names of them the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors, administrators and assignes, and every of them, at their pleasure to implead, sue and prosecute all and every such person and persons, his and their heyres, executors, administrators and assignes, and every or any of them, which shall so become bound to his majesty, his heyres or successours, or otherwise indebted of and for all and every such summes of money, penalties or forfeitures as shall grow or become due or payable, by reason or means of any such bonds or debts,

debts, as also all and every other person and persons, their heyres, executors, administrators and assignes, that shall or may by any means be found to be indebted, chargeable or answerable to his majesty, his heyres and successours, or to the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, or any of them, for or in respect of the said rents, payments, excizes, customes, subsidies, impositions, revenues, proffits and duties, and all and every part and parcel of the same, or other debts or duties, or for nonpayment of the same, and the summe and summes of money, penalties and forfeitures, arrearages of rents, proffits, payments, excizes, customes, subsidies, impositions, revenues, proffits, duties, and all and every part and parcel of the same, which shall be recovered or had of the bodies, goods, chattels, lands, tenements and hereditaments, or any of them, of the said person or persons, their heyres, executors, administrators and assignes, and every of them, to levy, hold and take execution thereof, to the use of them the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan,

Or on other
debts or du-
ties.

In such
manner as
his majesty
might have
done.

John Gourney and Thomas Sheridan, their executors, administrators and assigns, and every of them, and further to do, make and prosecute in such like manner and form as his majesty, his heyres or successours, or his or their royal prerogative, power and authority, in his, or otherwise in their own proper names, or by any whatsoever right or title should or might have done according to the true intent and meaning of these presents.

These presents to be
a warrant
therefore.

And also that these presents, or the inrolment thereof, from time to time, shall be as well to the treasurer, vice-treasurer, chancellor and barons of his majesties said court of exchequer for the time being, and all other officers and ministers of the same court, as also to the barons, justices, officers and ministers of his highness, his heyres and successours, of the said court of exchequer for the time being, or of any other his majesties courts of record, and to every of them a sufficient warrant and discharge to hear, determine, sue, prosecute, grant, levy and make execution against all and every person and persons, their heyres, executors, administrators and assigns, by and upon whom any of the said summes of money, penalties and forfeitures, due or payable upon or by reason of any such bonds, or any of the said customes, subsidies, imposts,

impo-

impositions and duties, before by these presents demised or granted, or mentioned to be demised or granted, or any part or parcel thereof, be or shall be charged due or levyable, in the name of our said sovereign lord the king, his heyres or successours, or in the name or names of them the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors, administrators and assignes, or any of them, in manner and form aforesaid, according to the true intent and meaning of these presents.

And whereas in and by the severall lawes and statutes touching the customes, excizes, duties of hearth-money, duties arising by lycences of re-taylers and other the duties and proffits hereby respectively demised, severall fines and penalties are imposed upon offenders, and variously distributed. And whereas in all cases where any fines or penalties are imposed, or other forfeitures incurred for non-payment of any duties of excize, there the duty itself is wholly lost, as to the present farmers thereof, his majesty therefore is graciously pleased to declare, and doth hereby covenant and agree to and with the said sir James Shaen, William Hill, William Ryder, Thomas

His majesties covenant not to discharge any penalty whatever for non payment

B b 4

Hoare,

of any the
certain
branches of
the revenue,
or for any
offence
committed
against any
statute made
for the secu-
rity of the
same.

Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stan-
yan, John Gourney and Thomas Sheridan, their
executors, administrators and assignes, that his
majesty, his heyres and successours, during the
continuance of this demise herein before made
and granted, or mentioned to be made and
granted, will not pardon, remit or any way dis-
charge any of the duties hereby granted or de-
mised, or any fine, penalty or forfeiture whatso-
ever, which during the said term of years shall
happen to be incurred by any offender or offen-
ders for non-payment of any of the great and
certain branches of his majesties revenue, and
shall and may be lawfully imposed or levyed, and
become due or payable for any offence commit-
ted against the lawes and statutes made for secu-
rity of the same.

The com-
missioners
for putting
the lawes
in execu-
tion, the
judges of
the four
courts and
all justices
of the peace
to levy all
forfeitures,
and to pay
the inform-
ers their
part.

And further, that all and every the commis-
sioners appoynted or to be appoynted for putting
any of the said lawes and statutes in execution,
and all and every the judges in any of the four
courts, and all justices of the peace in their se-
veral sessions, shall from time to time and at all
times during the continuance of this present de-
mise, be directed and appoynted well and truly to
levy, or cause to be levyed all and every the
fynes, penalties and forfeitures aforesaid, which
shall

Shall happen to be duely and legally imposed, and thereout pay or cause to be payd unto the severall and respective informers, and to such others to whom the statutes have allotted and distributed any share or part of the said fynes and forfeitures, such part or share as to them shall appertain, and such part and proportion of the said fynes, penalties and forfeitures, and of all others which shall remain due and payable unto his majesty, shall pay or cause to be payd unto the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stan-yan, John Gourney and Thomas Sheridan, their executors, administrators and assignes, (the charges of levying the same being first deducted), for which purpose his said majesty doth hereby constitute and appoynt the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stan-yan, John Gourney and Thomas Sheridan, the survivors and survivor of them, his and their executors, administrators and assignes, to be collectors and receivers to his majesties use of his part of the penalties, fynes and forfeitures accruing due as aforesaid.

And the rest to be payd to the farmers deducting the charge of levying.

And

The farmers
within one
and thirty
dayes after
each quarter
day, to pay
the king
part into the
exchequer.

And the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, for them and every of them, and for the heyres, executors, administrators and assignes, of them and every of them, do covenant and grant to and with his majesty, his heyres and successours, by these presents, That within one and thirty dayes next after every of the four most usual feasts or quarter dayes which shall incur, during the continuance of this demise, they the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, and the survivors and survivor of them, his and their executors, administrators and assignes, shall and will satisfie and pay to his majesty his heires and successours, at his or their receipt of the exchequer at Dublin, over and above the severall and respective rents and payments herein before reserved, as aforesaid, all and every the fines, penalties, and forfeitures to them paid and delivered as aforesaid, or so much thereof as shall remaine in their, or any of their hands, after the severall defalkations, deduc-

deductions, allowances and payments herein mentioned, shall be made and satisfied.

And his majesty is graciously pleased further to declare and agree, that it shall and may be lawfull to and for the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors, administrators and assignes, upon all and every the accounts, by them to be made touching and concerning any fines, penalties and forfeitures by them received as aforesaid, to abate, defalke, deduct, detain and keep to his and their own use, soe much of the severall and respective rents hereby reserved, as they or any of them shall from time to time pay into the receipt of his majesties exchequer, of, for, or in respect of the said fines, penalties and forfeitures, in consideration and for satisfaction of the said severall duties lost and unpaid, or damage sustayned in the revenue by reason of any fines and penalties that shall be incurred and imposed. And upon full payment made as aforesaid, all and every the persons lyable to any account for fines, penalties or forfeitures, shall be thereof wholly discharged, the said laws and statutes imposing the said penalties,

And defalke
for their
owne use so
much of his
majesties
rent.

ties, or any other law or statute to the contrary notwithstanding.

The farmers during the graunt at their owne costs may have constats of these presents or of any article therein.

And also, that the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors, administrators and assignes, and every of them, shall and may at their proper costs and charges, from time to time during the continuance of the demise and graunt hereby made; at their and every of their wills and pleasures, and at their owne costs and charges, have all and as many constats, exemplifications and duplicates of these presents, or of any covenant, article or sentence therein contained, and of every such part and parcell of the same, and when, and as often as to them or any of them shall seem meet; and these presents, or the inrolement of the same, shall be unto the chancellor or lord keeper of the great seale of Ireland for the time being, as also to the lord treasurer, chancellor and barons of the exchequer, and to all and every officer and minister in England, or Ireland, to whom it shall or may appertain, a sufficient warrant and authority for the allowing, graunting and passing of the same, and that without any further or other graunt or warrant from his highness, his heyres

or

or successeurs, to be had, procured or obtained in that behalf.

And to the end the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executours, administrators and assignes, their deputies, agents and factors, immediately attending this service, may have the better opportunity to attend the managing thereof, and that they may not be distracted from this their service, which is of so great weight, and so much concerneth his majesty and themselves; his majesty is well pleased, and by these presents doth for him, his heyres and successeurs, graunt, covenant and agree to and with them and every of them, and willeth and ordereth that they and every of them, as much as his majesty may lawfully and by the orders and customes of those places where they and every of them inhabite, tolerate and dispence with; shall be freed and discharged from all publique offices and services, which would require their personal attendance, and might withdrawe them or any of them from their necessary attendance on this service.

Farmers and their officers to be discharged from all publick offices requiring personal attendance.

And that they the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone,

The farmers and their officers to be

discharged
from all
payments or
answering
taxes pub-
lick or pri-
vate to be
imposed on
them in re-
spect of the
farme.

Sone, William Muschamp, Edward Richbell, Stan-
hop Mill, Lawrence Stanyan, John Gourney and
Thomas Sheridan, their executors, administrators
and assignes, their and every of their deputies
and other officers, shall be from time to time,
and at all times during the continuance of the
said demise, freed, acquitted, exonerated and dis-
charged of and from all payments or answering
of taxes, impositions, or other things whatso-
ever, as well publique as private, that may or
shall be imposed, taxed or assessed upon them, or
any of them, for or in respect of this present
farme or demise, or any thing therein conteyned,
or of the said office or offices of collectors or re-
ceivers of the duty aforesaid, by virtue of any act
of parliament now in force, or at any time here-
after to be made.

And if it shall happen that they or any of them
shall be so taxed or assessed, contrary to the true
intent and meaning of these presents, That then
upon producing or shewing forth these our let-
ters patents, or the inrolement, or exemplifica-
tion or constat thereof; or of so much thereof,
as shall be thought necessary: his majesty for
himself, his heyres and successours, doth hereby
will, require and strictly command all commis-
sioners, officers and ministers whatsoever, that
shall be employed either in imposing such taxes
and

and assessments, or in collecting and levying of the same, that they desist and forbear to proceed upon the execution of their offices and duties, against the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors, administrators and assignes respectively, and their deputies and other officers, in or for imposing, or in collecting such taxes, charges or assessments; his majesties pleasure and full intent and meaning being, that they and every of them shall be and are hereby freed and discharged of and from the same.

And our said soveraign lord the king, doth by these presents for him his heires and successors, strictly charge and command all and every justices of the peace, mayors, sheriffs, baylifs, constables, headboroughs, customers, comptrollers, collectors and other officers of and within every city, borrough, towne, and all other his majesties officers and ministers whatsoever, whether civill or millitary, either at land or sea, that they and every of them shall from time to time during the said terme, be ayding and assisting unto the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone,
William

All justices of peace and other officers to be assisting to the farmers, in collecting the revenue.

William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors, administrators and assignes, and their and every of their deputies, factors, and servants, and every of them, in the due execution of all and every the aforementioned premisses, according to the true intent and meaning of these presents, whether it be in and about the levying, or recovering of the said quit-rents, and other annual rents and payments or any of them, or any arreares thereof by distresses, seizures, entries, and due proceeding thereupon, or otherwise in the due recovery thereof, or of any other the revenue hereby demised, or any part thereof, in as large, ample, beneficiall and diligent wise, order and manner whatsoever, as they and every of them should or ought to have been to our said sovereign lord the king, his heires or successours, by any manner of meanes if these presents had not been had, or made, upon pain of his majesties displeasure, and such paines and penalties, and imprisonments as by the lawes, or statutes of the said realm, can or may be inflicted upon them for their negligence and contempt in that behalf.

The court
of exchequer
to award
writts to
that pur-

And his majesties will and pleasure is, that the lord treasurer of Ireland, chancellor and barons of the exchequer there for the time being, or any
three

three of them, whereof the lord treasurer, chancellor or chief baron of the exchequer for the time being to be one, shall have by force of these presents full power and authority to make forth and award writts under the seale of the said court of exchequer for that purpose, according to the order and course of the said court, and the contemptners of the said writts, to punnish in such fort, as by the course of the court hath bin accustomed.

pose, and the contemptners thereof to punish.

And in an especiall manner his majesties will and pleasure is, that the lord treasurer, vice-treasurer, chancellor and barons of the exchequer there, or any three of them, (whereof the said lord treasurer, vice-treasurer, chancellor, or cheif baron to be one,) doe strictly require and en-joyne all and every the sherifs, baylifs, constables and other officers, who are or shall be authorisid, imployed or directed to leavy any the rents, annual payments, or duties aforementioned, or any of them, or otherwise to execute any procefs concerning the same, that they doe in their severall places from time to time with dilligence and faithfullness doe and perform the same, without partiallitie of delay; and after execution or receipts thereof, either make speedy returnes, or such speedy payment thereof as they ought, and shall be in that behalf required.

The court of exchequer to enjoyn sheriffes and other officers to execute procefs and make speedy returnes.

The king
upon hum-
ble suite
will give
further
power and
ayde for the
better col-
lecting the
revenue.

And his majestie doth hereby declare and agree that he, his heires and successours, shall and will from time to time during the continuance of the said demise, upon humble suit in that behalf, give such further and other power and authority for the ordering, better collecting and levying the said annual rents or payment, duties of hearth-money, duties arising by lycences for retailing wines or strong-waters, customes, subsidies, imposts, sumes of money, and duties of excize for goods imported, duties of excize for ale and beer, and other duties of inland excize, duties arising by lycences for retayling ale and beer, and all other the duties, revenues, and premisses demised as aforesaid, and like ayd and assistance from his majesty and his privy council, his majesties court of exchequer, and the officers thereof, and other his majesties courts of justice, and all other his majesties officers and ministers whatsoever, as any commissioners, receivers, collectors, farmers and other ministers of any part or parts of his majesties revenue in England or Ireland now have, or hereafter may have, and as in this case shall be thought fit and reasonable.

The king
upon appli-
cation to
him will
make such
further as-
surance and

And further, that his said majesty, his heyres and successours, shall and will from time to time, and at all times during the continuance of the demise or grant herein before made or mentioned

to be made, upon application to him or them, to be by the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors, administrators or assignés, in that behalf and at their costs and charges, give and grant such further and other assurance and assurances, priviledge and priviledges, powers and authorities, for the better security and sure-making the annual payments, rates, duties and premisses, to them the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors, administrators and assignes, with, under and subject unto the provisoes, reservations and agreements herein contained and such others, as by his majesties counsel learned in the law for the time being, and the counsel learned in the law of the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors, administrators or assignes, shall be reasonably devised, advised, or desired.

graunt such further priviledge as the farmers shall desire for securing to them their several rates any payments:

And sufficiently authorize the farmers to collect arrears after the farms expired.

And that from and after the expiration of the said term of years, his majesty, his heyres and successours, or the lord lieutenant or deputy, or other chief governour or governours of the said kingdom of Ireland for the time being respectively, shall and will sufficiently authorize the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors, administrators or assigns, or such as they shall nominate and appoint, as far as the lawes and statutes of Ireland will permit, to demand, collect, levy, recover, receive and take all such arrears of customs and subsidies of tunnage and poundage, and all such arrears of the said duties of excize and new impost, and all such arrears of the said duties arising by hearth-money, duties arising by lycences to retayle wine, aquavite, strong-waters, beer or ale, all such arrears, rents, payments, revenues, proffits and premisses, as are granted or mentioned to be granted by these presents, and which shall become due unto them, and at all times during the said term of years hereby granted, and which at the end and expiration thereof shall so remain in arrear and unsatisfied.

And

And our said sovereign lord the king for himself, his heyres and successors, doth further covenant, grant and agree to and with the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Mufchamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors, administrators and assigns, that neither our said sovereign lord the kings majesty, his heyres and successors, nor any of them, shall and will at any time or times hereafter, before the end of the demise herein before made, pardon or release to any person or persons, or compound or agree with any person or persons, other than unto and with the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Mufchamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors, administrators and assigns, of or for any of the said rents and payments, duties arising by lycences for retayling wine or strong-waters, duties of hearth-money, or of or for any of the said customs, subsidies, imposts, summes of money, duties of excize for goods imported, duties of excize for beer and ale, or other duties for inland excize, or any duties arising by lycences for retayling of beer and

The king not to discharge any part of the revenue, except such part as is according to agreement,

ale, or any other duties by these presents demised or granted, or mentioned to be demised or granted unto the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors, administrators and assignes; saving such part or parts of the said revenue, as by and according to the agreement aforesaid may be pardoned or released by his majesty.

The farmers to have the same benefit of prosecuting and suing for the revenue in all the kings courts.

And that the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors, administrators and assignes, and every of them, shall have full power and authority either in their or any of their name or names, or in the name of his highness, his heyres or successours, or any of them, at the pleasure of the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors, administrators or assignes, and every of them, to implead, sue and prosecute as well all and every such person and persons,

persons, their heyres, executors and assignés, or every or any of them, as shall or may by any means be found out not to have payd, or to be indebted, charged or answerable to our said-lord the king, his heyres or succeffours, or to the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors, administrators and assignes, or any of them, for the annual rents, payments, duties of hearth-money, duties arising by lycences, customes, subsidies, imposts, summes of money, duties of excize for goods imported, duties of inland excize, and other duties in and by these presents demised and granted, or mentioned to be demised and granted unto the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors, administrators and assignes, as is aforesaid, or any part or parcel of the same, in the court of exchequer of his highness, his heyres or succeffours, or in any other court or courts of records whatsoever; and the said several annual rents, payments, revenues, customes, subsidies, imposts, summes of money,

duties and other things before in these presents demised or granted, or mentioned to be demised or granted as aforesaid, and every part or parcel thereof, for so much, and such part thereof as by the true intent and meaning of these presents the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors, administrators and assignes, ought to have, take or receive to their own uses, to take, recover and levy upon the bodies, goods, chattels, lands, tenements or hereditaments of them or any of them, their or any of their heyres, executors, administrators and assignes, and every of them from whom any of the summes of money, revenues or duties aforesaid, shall be due or payable, and to take execution thereof to the proper use of the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors, administrators and assignes, and every of them, and to do, make and prosecute for and concerning the same respectively, in such and in like manner and form as our said sovereign lord the kings majesty, his heyres and

and successours, of his or their royal power, prerogative and authority, as by the lawes of the realm of Ireland, in his or their name or names should or might have done, if the said demise or lease had never been had or made.

As his majesties might have had if this lease had never been made.

And that these presents, or the inrolment of the same, from time to time shall be as well to the lord treasurer of Ireland, chancellor and barons of the court of exchequer in Ireland for the time being, and all other officers and ministers of the same court; as also to the barons, justices, officers and ministers of his majesty, his heyres and successours, of the same court for the time being, or of any other court or courts of record; and to every of them, a sufficient warrant in that behalf, without any account or other profit whatsoever to our said sovereign lord the king, his heyres or successours, thereof or therefore to be had, payd or done, other than the said several rents and summes of money which in and by these presents are mentioned to be reserved, and covenanted to be payd as aforesaid, and other than such as are hereby excepted, reserved or saved to our said lord the king, his heyres and successours. And that they the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Ed-

The indenture or inrolment thereof to be sufficient warrant to all officers in that behalf.

The farmers paying the rent are to enjoy the graunt.

ward

ward Richbell, Stanhop Mill, Lawrence Stan-
 yan, John Gourney and Thomas Sheridan, their
 executors, administrators and assignes, and every
 of them, well and truly paying and satisfying
 the severall and respective yearly rents and
 summes of money hereby reserved as aforesaid,
 and performing, fulfilling and keeping all and
 singular the covenants, provisoes and agreements
 in these presents mentioned, which on their parts
 ought to be performed, shall and may at all
 times during the continuance of the demise and
 lease hereby granted fully and freely have, levy,
 take, use, receive and enjoy all and every the said
 annual rents or payments, duties of hearth-
 money, duties arising by lycences for retayling
 wine or strong-waters, customes, subsidies, im-
 posts, summes of money, duties of excize for
 goods imported, duties of excize for beer and
 ale, and other the duties of inland excize, duties
 arising by lycences for retayling ale and beer,
 and all other the duties, revenues and premisses
 by these presents granted or demised, or men-
 tioned to be granted or demised, (except before
 excepted,) to be had, enjoyed and disposed of
 according to the true intent and meaning of these
 presents. And that all and every the covenants,
 articles and clauses in these presents contained,
 on the behalf of our said sovereign lord the
 kings

All clauses
 in the
 graunt are
 to be ex-
 pounded fa-

kings majesty, his heyres and successeurs, to be performed in all things, and from time to time shall be most strongly and largely construed, taken and expounded against the kings majesty, his heyres and successeurs, and largely, beneficially and favourably for the avail, benefit and advantage of the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors, administrators and assignes, according to the true intent and meaning of these presents, any statute, law, act of parliament, usage, custome, proclamation, prohibition or restraint heretofore had, made or set forth, or proclaimed in any wise notwithstanding.

vourably for
the farmers,
and strong
against the
king.

And also notwithstanding that all and every statute, proclamation or restraint to the contrary thereof, or of any part thereof, be not herein by special expresse words named, recited, or dispensed withall by these presents; and notwithstanding the not-recital or misrecital of the title of any act or acts of parliament touching or concerning any of the branches of the revenue, or other the duties and profits herein before demised or granted, or mentioned to be demised or granted: And notwithstanding the true yearly value of the premises,

Statutes
misrecited
or not re-
cited, which
concern the
revenue.

Or misrecital of the
aforesaid letters pa-
tents, or lack
of form in
this grant
not preju-
dice : not-
withstand-
ing any law
to the con-
trary.

premisses, or of any part thereof is not in these presents mentioned, or not rightly mentioned, or any misrecital of letters patents before mentioned, or any of them, or of the date or dates, or certain content or contents of them, or any other misrecitals or misnamings, or not recital or not naming whatsoever in any wise notwithstanding. And the statutes in the first year of king Henry the fourth, and the eighteenth year of king Henry the sixth, or in the seven and thirtieth year of the said king Henry the sixth, or any of them, or any defect or lack of form, or omission in these presents, or any other law, statute, restraint, proclamation, letters patents, or prohibition whatsoever, to the contrary thereof in any part notwithstanding.

The farmers
to have the
use of his
majesties
publick of-
fices, seals,
&c. used for
management
of the reve-
nue.

And his majesty for the better enabling the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors, administrators and assignes, to manage the said premisses hereby demised, is pleased that they the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their
execu-

executors, administrators and assignes, shall from time to time and at all times during the term before granted, have full power, licence, liberty and authority to make use of all and all manner of houses, offices and places which do belong unto his majesty, and are now, or within five years last past have been made use of as publique offices for the receipt or management of his majesties revenue, or any branch thereof; and also all and all manner of furniture, utensils and necessaries thereunto belonging, together with all branches, scales, weights, boats, barges, or other vessels, instruments, or other matter or thing whatsoever relating to the same, and which do belong to his majesty; and in case the same shall not be found sufficient for the necessary uses of the revenue, and management thereof, it shall and may be lawful to and for the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors, administrators and assignes, and every of them, from time to time, with the consent and approbation of the lord lieutenant, or other chief governour or governours of the said kingdom of Ireland for the time being, to lay out and expend in new buildings, or in the necessary repairing

With power
if they are
not sufficient
to lay

out 4000l.
by consent
of the lord
lieutenant,
and to be re-
tained by
3000l. *per*
mensm out
of the 4 last
monethly
payments.

pairing and amending and enlarging any of the houses, offices and places aforesaid, so much money as they shall think fit, so as all the expences and disbursements touching or concerning the premisses, do not in the whole, from first to last, exceed the summe of four thousand pounds, and all the summes of money so as aforesaid expended, shall be repaid, satisfied and reimbursed, by way of recouper and retayner, by one thousand pounds a moneth, if the whole four thousand pounds be so expended, and if not, then proportionably what shall be so expended, out of the four last monethly payments in these presents reserved and agreed to be paid: and the lord treasurer, vice-treasurer, chancellor and barons of the court of exchequer in Dublin, and all other officers and ministers there, are hereby authorized and impowered upon due proof of such expences and disbursements made, to admit, accept and allow of the said expences, the summe of money they shall amount unto not exceeding four thousand pounds, as is aforesaid, in part of payment of the said last four monethly payments; and for so doing, these presents or the inrolment thereof, shall be to them and every of them a sufficient warrant and authority in that behalf.

And

And the said fir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, for themselves, their executors, administrators and assignes, in consideration hereof do covenant and agree to and with our said sovereign lord the king, his heyres and successours, that they the said fir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, shall and will from time to time and at all times during the said term of years, at his and their own proper costs and charges, keep in good and sufficient repair such custome-houses, ware-houses, offices, cellars, and other the premisses whereof they are to have the use, and which shall be mended and enlarged, during the said term of years as aforesaid, and the same together with all such scales, weights, books, furniture, boats, barges, and other utensils belonging to his majesty, his heyres and successours, and whereof they are to have the use as aforesaid, shall and will according to such inventories by which they shall respectively receive the same, deliver up at the expiration or other determination of the said

The farmers
to keep the
houses, &c.
in good re-
pair.

faid term of years, in as good plight and condition as they received the same, reasonable use thereof excepted.

If the king ought to pay rent for any custome-house, &c. the farmers are to pay it.

And also shall and will during the faid term of years, pay such rent or rents if any such be due for such the custome-houses, ware-houses, offices, yards, cellars or other roomes as aforefaid, as his majesty, his heyres or successours, ought to pay for the same respectively.

The farmers to keep distinct books of accompt of each fine, duty and penalty, and of all compositions, abatements and defalcations.

And to the end his faid majesty may from time to time be fully satisfied of the true yearly value of all and singular the premisses herein demised and granted, the faid sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, for themselves, their executors and administrators, do covenant, promise, grant and agree to and with his majesty, his heyres and successours, by these presents, in manner and form following, (that is to say,) That the faid sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, and the survivors and survivor of them, and the executors and administrators of such survivor, shall and will from time

time to time and at all times during the term hereby granted, make and keep distinct fair written books, containing the due and true entries of all and every the rates, duties, summe and summes of money by them or any of them, their or any of their executors or administrators, or their or any of their officers, substitutes or servants, had, received, levyed and raised by virtue of these presents, for or by reason of any duties arising by hearths, or for or by reason of any duties arising by lycences of any persons to retayl wine, aquavitæ or strong-waters, or for or by reason of any fee-farm rents, quit-rents, or other payments and rents herein before demised, or for or by reason of any customes, subsidies, impositions, or duties of excize for goods imported, or for or by reason of any excize due and payable for any beer, ale, strong-waters or other excizable liquors, or for any other commodities of the growth, production or manufacture of Ireland, commonly called inland excize, or for or by reason of any duties arising by lycensing of persons to retayl beer, ale or strong waters in his or their houses, or for fynes, forfeitures or penalties relating to or any way touching or concerning the premisses herein before demised or granted respectively, and for or by reason of any of the premisses hereby demised, or any part or parcel

VOL. II. D d thereof,

thereof, which by them or any of them shall be received, and of all compositions and abatements of any of the duties aforesaid by them or any of them to be made, and of all deductions or defalcations to them or any of them allowed, in some book or books, to be by them for that purpose separately and distinctly kept.

And submit to a yearly audit and comptrol of their accounts, and suffer their books to be viewed and coppied.

Or give account upon oath of the yearly value of the premisses.

And shall and will also submit to such comptrol upon their receipts and payments, and such yearly audits of their accompts, as his majesty shall think fit to appoynt : and also shall and will from time to time during the said term, permit and suffer all the books of account touching or concerning this present farm, or the receipts and payments thereof, to be viewed, and coppies thereof to be taken, at his majesties charge, by such person or persons as his majesty hath appoynted or shall think fit to appoynt, or shall otherwise upon his or their corporal oaths, if thereunto required by the lord lieutenant, or other chief governour or governours of Ireland and council there for the time being, or any six or more of them, whereof the lord lieutenant or other chief governour or governours of Ireland for the time being, to be alwayes one or more, render a full and true account of the yearly value of the premisses during every year of the said term then incurred.

And

And our said sovereign lord the king in consideration of the yearly rents and summes of money before reserved, or mentioned to be payd, and to the intent the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors, administrators or assignes, or any of them, shall not by the kings majesty, his heyres or successours, or by his or their or any of their means, or by any act or means of his late father king Charles of blessed memory, or otherwise as is herein after expressed, be hindred, debarred or diminished of any the customes, subsidies, duties of imported excize, and other summes of money, and proffits to them before by these presents mentioned or meant to be demised or granted, during the said term of seven years, or covenanted or agreed to be by them taken, (except before excepted;) but that they the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors, administrators and assignes, and every of them, shall have full satisfaction and allowance for all such their

If by grants from the king, his father, grandfather, or queen Elizabeth, or by reason of plague, great mortality, destruction of houses by fire, or otherwise domestick rebellion or invasion of enemies, or any other unavoidable calamity.

losses and hindrances in that behalf to be had or sustained, according to the purport, true intent and meaning of these presents, is therefore pleased and contented, and doth of his especial grace, certain knowledge, and meer motion grant for him, his heyres and successours, unto the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors, administrators and assignes, and every of them in manner and form following, (that is to say,) That if by any grant or grants at any time heretofore made by his now majesty, or by his late royal father king Charles, his late royal grandfather king James, or his late predeceffour queen Elizabeth, or if by reason of any plague, pestilence, great mortality, great destruction of houses by fire or otherwise domestick rebellion, invasion by forreign enemies, or any other unavoydable calamity, or if by act of parliament hereafter to be passed, or any other act to be done by his majesty, his heyres or successours, or if by any proclamation, or other act of state, which shall hereafter be made or passed within the kingdom of Ireland, any of the duties and premisses hereby granted shall be taken away, or lessened, or if by judgement in the court

Or by act
of parliament or act
of state, or
act by the
king,
whereby
any of the
premisses
herein
granted
may be lessened;
or if by

court of exchequer, or any other his majesties courts within the said kingdom of Ireland, any lands shall be discharged from payment of quit-rents, whereby the said farmers, their executors, administrators or assignes, shall be contrary to the intent and meaning of these presents, hindred or disabled from receiving the premisses hereby granted, or any part thereof, that then and in every such case they the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors, administrators and assignes, shall from time to time have such proportionable respite, forbearance, abatements, defalcations, and allowances out of the respective summes hereby undertaken to be payd, as upon consideration had of the damage sustained, and of the proofs thereof made, shall be thought reasonable, the said allowances to be made by and with the approbation and order in writing of the lord lieutenant and other chief governour and governours of Ireland, and council there for the time being, or any six or more of them, whereof the lord lieutenant and other chief governour and governours of Ireland to be alwayes one or more; and these presents, or the inrolment thereof, shall

judgement in the exchequer or other courts lands shall be discharged from paying of quit-rents, whereby the farmers shall be disabled from receiving any part of the premisses hereby granted. The farmers upon proof to lord lieutenant and council, to have allowance made out of the rents.

Without
any further
warrant.

be to them and every of them a sufficient warrant and authority, without any other or further warrant or declaration of the pleasure of his majesty, his heyres or succeffours, in that behalf to be obtayned,

The farmers
or any seven
or more of
them may
give acquit-
tances for
any the rents
hereby
granted.

And his majesty doth hereby further declare and agree, that for the better and more effectual empowering and enabling the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, to have, take, receive and enjoy the said quit-rents, and all other the rents hereby demised, as the same shall from time to time grow due and payable during the time hereby granted, it shall and may be lawful to and for the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, or any seven or more of them, from time to time, and all times during the term hereby demised, to make and give under their or any seven or more of their hands, acquittance and acquittances to all or any person or persons whatsoever paying the said quit-rents and other rents hereby demised, and the acquittance or acquittances of them

them the said farmers, or any seven or more of them, shall be unto all and every such person or persons so paying the same, from time to time, a sufficient discharge for the same; and the lord treasurer, vice-treasurer, chancellor and barons of the court of exchequer in Ireland, and all other officers and ministers of the revenue there for the time being, are hereby authorized and impowered to admit, allow and approve of all such acquittance or acquittances, by them the said farmers, or any seven or more of them, from time to time, so made and given as aforesaid, and to exonerate and discharge all and every the person and persons of and for all and every such quit-rents, and other rents, summe and summes of money, in all and every acquittance or acquittances mentioned, in as full and effectual manner and form as if the same quit-rents and other rents, summe and summes of money had been really payd by such person or persons into the receipt of his majesties exchequer in Ireland; and for so doing, these presents or the enrolment thereof, shall be to them and every of them a sufficient warrant and authority in that behalf.

And all officers of the revenue are to take notice thereof.

Provided alwayes, that the severall persons who shall make or give such acquittances, do pay or secure to be payd unto all and every the

The persons that give such acquittances to pay the exchequer of-

officers usual fees as fully as they ought to have received them, if the payments had been actually made in the court of exchequer.

officers and ministers of his majesties court of exchequer afore said, all such just and usual fees, allowances and duties, for and in respect of such rents and summes for which the said exoneration and discharges shall be made by them as afore said, as they the said officers and ministers ought to have had and received, in case the said quit-rents, and other rents and summes of money in such acquittances mentioned and contained, had been actually paid into his majesties receipt of exchequer as afore said,

This indenture to be inrolled within the space of 12 moneths.

Provided lastly, that if the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, their executors, administrators or assignes, shall not within the space of twelve moneths next ensuing the date hereof, cause this present indenture to be inrolled in his majesties high court of chancery in Ireland, and also in the court of exchequer in Ireland, and in the office of the treasurers remembrancer there, that then and in every such case, and for every such default, the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan,

In chancery. In the exchequer and in the treasurers remembrancers office.

ridan,

ridan, their executors, administrators or assignes, and every of them, shall forfeit and lose unto his majesty, his heyres and successours, the summe of one hundred pounds for each moneth, after the said year expired, wherein the said indenture shall remain and continue without inrolment thereof made in manner and form aforesaid.

In default to lose 100l. for each moneth it shall remain without inrolment after the year expired.

In witness whereof to the one part of this indenture, remaining with the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, our said sovereign lord the kings majesty hath caused the great seal of England to be affixed: and to the other part of this indenture, remaining with our said sovereign lord the king, the said sir James Shaen, William Hill, William Ryder, Thomas Hoare, Francis Sone, William Muschamp, Edward Richbell, Stanhop Mill, Lawrence Stanyan, John Gourney and Thomas Sheridan, have set their hands and seals, the day and year first above-written, annoq. Dom. 1676.

By writ of privy seal.

PIGOTT,

N^o VII.

The following Act of Parliament is referred to at the end of the last volume.

An ACT for naturalizing such foreign Merchants, Traders, Artificers, Artizans, Manufacturers, Workmen, Seamen, Farmers, and others, as shall settle in this kingdom, the 20th of G. III. c. 19.

WHEREAS the increase of people is a means of advancing the wealth and strength of any nation; and whereas many foreigners and strangers, from the lenity of our government, the benefit of our laws, the advantages of our trade, the security of our property, and from the consideration of the plentifulness of all sorts of useful and profitable commodities with which this your majesty's kingdom of Ireland abounds, might be induced to come and settle in this kingdom, if they were made partakers of the advantages and privileges which the natural-born subjects of this realm do enjoy.

Be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament, assembled,

bled, and by the authority of the same, That from and after the first day of September next all foreign merchants, traders, artificers, artizans, manufacturers, workmen, seamen, farmers, and others, who shall transport him, her, or themselves, to settle in any part of this kingdom, shall after his, her, or their arrival within this kingdom, and after his, her, or their taking the following oath, (or affirmation if a Quaker,) before the chief magistrate of any city or town corporate in this kingdom, for the time being, who is hereby authorised to administer the said oath, and thereupon to certify his, her, or their doing thereof unto his majesty's high court of chancery, to remain on record, shall be deemed, adjudged, and reputed, liege, free, and natural subject or subjects of this kingdom, in every respect, condition, and degree, to all intents, constructions and purposes, as if he, she, or they, had been or were born within this kingdom, any law or statute to the contrary notwithstanding, whilst he, she, or they, shall reside within this kingdom, viz.

“ I A. B. do take Almighty God to witness,
 “ that I will be faithful and bear true allegiance
 “ to our most gracious sovereign lord king
 “ George the third, and him will defend to the
 “ utmost of my power against all conspiracies
 “ and

“ and attempts whatever that shall be made
“ against his person, crown, and dignity ; and I
“ will do my utmost endeavour to disclose and
“ make known to his majesty and his heirs, all
“ treasons and traiterous conspiracies which may
“ be formed against him or them : And I do
“ faithfully promise to maintain, support, and
“ defend, to the utmost of my power, the suc-
“ cession of the crown in his majesty’s family,
“ against any person whatsoever, hereby utterly
“ renouncing and abjuring any obedience or al-
“ legiance unto the person taking upon him-
“ self the stile and title of Prince of Wales in
“ the lifetime of his father, and who since his
“ death is said to have assumed the stile and title
“ of king of Great Britain and Ireland, by the
“ name of Charles the third ; and to any other
“ person claiming or pretending a right to the
“ crown of these realms : And I do swear that I
“ do reject and detest as impious to believe, that
“ it is lawful to murder or destroy any person
“ whatsoever for, or under pretence of being a
“ heretick ; and also that impious principle, that
“ no faith is to be kept with hereticks ; I fur-
“ ther declare, that it is no article of my faith,
“ and that I do renounce, reject, and abjure the
“ opinion, that princes excommunicated by the
“ pope and council, or by any authority of the
“ see

“ see of Rome, or by any authority whatsoever,
 “ may be deposed or murdered by their subjects,
 “ or by any person whatsoever; and I do pro-
 “ mise that I will not hold, maintain, or abet,
 “ any such opinion, or any other opinion con-
 “ trary to what is expressed in this declaration:
 “ And I do declare, that I do not believe that
 “ the pope of Rome, or any other foreign
 “ prince, prelate, state, or potentate, hath or
 “ ought to have any temporal or civil jurisdic-
 “ tion, power, superiority, or pre-eminence, di-
 “ rectly or indirectly, within this kingdom:
 “ And I do solemnly, in the presence of God
 “ Almighty, profess, testify, and declare, that I
 “ do make this declaration, and every part
 “ thereof, in the plain and ordinary sense of the
 “ words of this oath, without any evasion, equi-
 “ vocation, or mental reservation whatever; and
 “ without any dispensation already granted by the
 “ pope, or any authority of the see of Rome,
 “ or any person whatever, and without thinking
 “ that I am or can be acquitted before God or
 “ man, or absolved of this declaration, or any
 “ part thereof, although the pope, or any other
 “ person or authority whatsoever, shall dispense
 “ with or annul the same, or declare that it was
 “ null and void from the beginning.

“ So help me God.”

Provided

Provided always, that no persons naturalized by this act shall be enabled to serve in the present or any future parliament, nor to be of his majesty's privy council, nor to hold any office of trust, civil or military, in this kingdom.

Be it enacted, &c. that in case any person or persons shall give any interruption or disturbance to any merchant, trader, artificer, artizan, manufacturer, workman, seaman, farmer, or others aforesaid, to the hindering him in his working, buying, or selling, as aforesaid, contrary to the intent and meaning of this present act, every such person or persons shall for every such offence forfeit the sum of twenty pounds, to be recovered by complaint before any justice of the peace of this kingdom, (who is hereby impowered to examine and determine the same,) on the oath of one or more credible witness or witnesses; which penalty shall be paid over, one moiety to the informer, and the other moiety to the poor of the parish where such offence shall be committed; and to be levied by warrant under the hand and seal of such magistrate, and by the sale of the offender's goods.

And for the greater encouragement of strangers to come and reside in this kingdom, be it enacted, &c. that all such strangers who shall
come

come and settle in any corporation, town, city, or borough, in this kingdom, shall be freed from being obliged to undergo any corporation or parish offices, for the term of seven years after their coming into this kingdom.

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